





LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 11th TO APRIL 16th

1942

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No. 1

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Infants' Homes of Toronto.

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Infants' Homes of Toronto.

Preamble.

WHEREAS the Board of Managers of the Infants' Home and Infirmary of Toronto have by their petition represented that the Infants' Home and Infirmary of Toronto was incorporated without share capital on the 14th day of April, 1877, under the provisions of *An Act respecting Benevolent, Provident and other Societies*, passed in the thirty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 34; that the work of the Infants' Home and Infirmary of Toronto has since been carried on by its Board of Managers chiefly by voluntary subscriptions, provincial and municipal grants, donations, legacies and bequests; that it is desirable to confirm and continue the corporate existence of the Infants' Home and Infirmary of Toronto and to declare, extend and amend its corporate powers and to change its name to The Infants' Homes of Toronto; and whereas the petitioners have prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporate
existence of
the Infants'
Home and
Infirmary of
Toronto
confirmed
and
continued.

1. The present members of the Board of Managers of the Infants' Home and Infirmary of Toronto and such other persons as may from time to time be appointed to succeed them are hereby confirmed and continued as a body politic and corporate under the name "The Infants' Homes of Toronto", hereinafter called the Corporation, and by that name shall have perpetual succession and a common seal, and may under that name sue and be sued and shall have all the other powers and privileges hereinafter mentioned, including the right to acquire, hold and in any way dispose of any and every kind of real and personal estate, and also all the other powers, privileges and immunities vested by law in corporations necessary and proper for the carrying out of the objects of the Corporation.

Objects.

2. The objects of the Corporation shall be to care for Protestant children residing in the City of Toronto who

are neglected, dependent, deserted or otherwise in need of care; to care for Protestant unmarried mothers residing in the City of Toronto and to do all such other things as are incidental or conducive to the attainment of such objects.

Undertaking
and
property.

3. All the property, real or personal, now held by the Infants' Home and Infirmary of Toronto or by the Board of Managers thereof or by any other person or persons for the use or benefit thereof and the undertaking, properties, assets, rights, privileges, credits and effects of the Infants' Home and Infirmary of Toronto, including all gifts and legacies to and endowments of the Infants' Home and Infirmary of Toronto, whether heretofore or hereafter given or made shall continue vested in the Corporation and all such gifts, legacies and endowments shall enure to the benefit of the Corporation and wherever in any deed or gift or will or other instrument of gift or endowment heretofore or hereafter made, the Infants' Home and Infirmary of Toronto is referred to or intended to be referred to, such reference shall be deemed to be a reference to the Corporation.

Liability of
Corporation.

4. Notwithstanding anything contained in this Act, all rights of creditors against the property, rights and assets of the Infants' Home and Infirmary of Toronto and all liens upon its property, rights and assets shall remain unimpaired.

Board of
Managers.

5.—(1) Subject to section 6, the sole control and management of the real property, endowment funds and capital assets of the Corporation, including the investment and reinvestment of funds and including the purchase or acquiring in any way and the sale or disposal in any way of any present or future capital assets of the Corporation and the general administration of the revenues, business and affairs of the Corporation shall be under the government, management, conduct and control of a Board of Managers consisting of such number of ladies as may be fixed by by-law of the Corporation, which shall be known as "the Board of Managers of The Infants' Homes of Toronto", hereinafter called the Board of Managers.

Idem.

(2) The present members of the Board of Managers of the Infants' Home and Infirmary of Toronto shall constitute the Board of Managers of the Corporation.

Vacancies.

(3) When a vacancy occurs on the Board of Managers at any time or from time to time, the surviving, remaining or continuing members of the Board of Managers may by resolution appoint a lady to be a member of the Board of Managers to fill such vacancy.

Interest
non-trans-
ferable.

(4) The interest of a member of the Board of Managers

shall not be transferable and shall lapse and cease to exist upon the death of any such member or when such member shall cease to be a member by resignation or otherwise in accordance with the by-laws, rules and regulations from time to time in force.

Power to
pass
by-laws, etc..

(5) The Board of Managers may from time to time make by-laws, rules and regulations to govern the numbers of the Board of Managers and of the Advisory Board, the calling and holding of their meetings, the fixing of quorums, the procedure at meetings, the appointment of executive and other committees and their powers and duties, the election of officers and their term of office and their powers and duties and may from time to time amend, vary or repeal the same.

Advisory
Board.

6.—(1) There shall also be an Advisory Board of the Corporation consisting of such number of gentlemen as may be fixed by by-law of the Corporation.

(2) The present members of the Advisory Board of the Infants' Home and Infirmary of Toronto shall constitute the Advisory Board of the Corporation.

(3) The Advisory Board shall be consulted by the Board of Managers with regard to the investment of funds, the disposal of property and such other matters as the Board of Managers may from time to time determine.

(4) When a vacancy occurs on the Advisory Board the same may be filled by the Board of Managers.

Power to
accept
grants,
devises, etc.
of real and
personal
property.

7. The Board of Managers may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise, bequest or otherwise, any land or interest in land or in moneys or securities for money, or in goods, chattels or effects, for the use, support or purposes of the Corporation and the Corporation may hold the same without license in mortmain.

Mortmain.

Borrowing
powers of
Board of
Managers.

8.—(1) The Board of Managers may from time to time borrow in the name of the Corporation such sums as in the opinion of the Board of Managers may be required for the purposes of the Corporation and in the name of the Corporation may charge, hypothecate, mortgage or pledge any or all of the real or personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation and may in the name of the Corporation issue debentures for any money borrowed, in such sums, at such rate of interest, and subject to subsection 2, for such period as the Board of Managers may deem expedient.

Debentures. (2) No such debentures shall be issued for a longer period than forty years.

Powers as to investments and deposits. **9.** The Board of Managers may invest moneys that may at any time come into its hands for the use of the Corporation in securities in which trustees are authorized to invest under the laws of the Province of Ontario, or may deposit such moneys in any chartered bank or trust company.

Execution of documents by the Corporation. **10.** All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the seal of the Corporation and shall be signed by the person or persons thereunto authorized by resolution of the Board of Managers.

Staff. **11.**—(1) The composition and number of the staff of the Corporation, the term of office, payment or remuneration and the duties and privileges of the members thereof shall be determined and regulated by the Board of Managers.

Idem. (2) The Board of Managers may from time to time appoint members to and at their pleasure remove members from the staff of the Corporation.

Powers and immunities of the Board of Managers. **12.** Subject as aforesaid, the Board of Managers shall, as regards the trusts, powers, authorities and discretions vested in them, have absolute and uncontrolled discretion as to the exercise thereof, whether in relation to the manner, the mode of, or the time for the exercise thereof, and in the absence of fraud the members of the Board of Managers shall be in nowise responsible for any loss, costs, damages or inconvenience that may result from the exercise or non-exercise thereof.

Short title. **13.** This Act may be cited as *The Infants' Homes of Toronto Act, 1942*.



BILL
An Act respecting The Infants' Homes
of Toronto.

1st Reading

2nd Reading

3rd Reading

MR. MACAULAY

(Private Bill)

No. 1

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

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are neglected, dependent, deserted or otherwise in need of care; to care for Protestant unmarried mothers residing in the City of Toronto and to do all such other things as are incidental or conducive to the attainment of such objects.

3. All the property, real or personal, now held by the ^{Undertaking and property.} Infants' Home and Infirmary of Toronto or by the Board of Managers thereof or by any other person or persons for the use or benefit thereof and the undertaking, properties, assets, rights, privileges, credits and effects of the Infants' Home and Infirmary of Toronto, including all gifts and legacies to and endowments of the Infants' Home and Infirmary of Toronto, whether heretofore or hereafter given or made shall continue vested in the Corporation and all such gifts, legacies and endowments shall enure to the benefit of the Corporation and wherever in any deed or gift or will or other instrument of gift or endowment heretofore or hereafter made, the Infants' Home and Infirmary of Toronto is referred to or intended to be referred to, such reference shall be deemed to be a reference to the Corporation.

4. Notwithstanding anything contained in this Act, all ^{Liability of Corporation.} rights of creditors against the property, rights and assets of the Infants' Home and Infirmary of Toronto and all liens upon its property, rights and assets shall remain unimpaired.

5.—(1) Subject to section 6, the sole control and manage- ^{Board of Managers.} ment of the real property, endowment funds and capital assets of the Corporation, including the investment and reinvestment of funds and including the purchase or acquiring in any way and the sale or disposal in any way of any present or future capital assets of the Corporation and the general administration of the revenues, business and affairs of the Corporation shall be under the government, management, conduct and control of a Board of Managers consisting of such number of ladies as may be fixed by by-law of the Corporation, which shall be known as "the Board of Managers of The Infants' Homes of Toronto", hereinafter called the Board of Managers.

(2) The present members of the Board of Managers of ^{Idem.} the Infants' Home and Infirmary of Toronto shall constitute the Board of Managers of the Corporation.

(3) When a vacancy occurs on the Board of Managers at ^{Vacancies.} any time or from time to time, the surviving, remaining or continuing members of the Board of Managers may by resolution appoint a lady to be a member of the Board of Managers to fill such vacancy.

(4) The interest of a member of the Board of Managers ^{Interest non-transferable.}

shall not be transferable and shall lapse and cease to exist upon the death of any such member or when such member shall cease to be a member by resignation or otherwise in accordance with the by-laws, rules and regulations from time to time in force.

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(5) The Board of Managers may from time to time make by-laws, rules and regulations to govern the numbers of the Board of Managers and of the Advisory Board, the calling and holding of their meetings, the fixing of quorums, the procedure at meetings, the appointment of executive and other committees and their powers and duties, the election of officers and their term of office and their powers and duties and may from time to time amend, vary or repeal the same.

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6.—(1) There shall also be an Advisory Board of the Corporation consisting of such number of gentlemen as may be fixed by by-law of the Corporation.

(2) The present members of the Advisory Board of the Infants' Home and Infirmary of Toronto shall constitute the Advisory Board of the Corporation.

(3) The Advisory Board shall be consulted by the Board of Managers with regard to the investment of funds, the disposal of property and such other matters as the Board of Managers may from time to time determine.

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7. The Board of Managers may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise, bequest or otherwise, any land or interest in land or in moneys or securities for money, or in goods, chattels or effects, for the use, support or purposes of the Corporation and the Corporation may hold the same without license in mortmain.

Mortmain.

Borrowing
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Managers.

8.—(1) The Board of Managers may from time to time borrow in the name of the Corporation such sums as in the opinion of the Board of Managers may be required for the purposes of the Corporation and in the name of the Corporation may charge, hypothecate, mortgage or pledge any or all of the real or personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation and may in the name of the Corporation issue debentures for any money borrowed, in such sums, at such rate of interest, and subject to subsection 2, for such period as the Board of Managers may deem expedient.

(2) No such debentures shall be issued for a longer period ^{Debentures} than forty years.

9. The Board of Managers may invest moneys that may ^{Powers as to} at any time come into its hands for the use of the Corporation ^{investments} in securities in which trustees are authorized to invest under ^{and} the laws of the Province of Ontario, or may deposit such ^{deposits.} moneys in any chartered bank or trust company.

10. All grants, conveyances, assignments, mortgages, ^{Execution} statutory and other discharges of mortgage, leases, contracts, ^{of docu-} distress warrants and other documents requiring to be executed ^{ments by} under seal shall be sealed with the seal of the Corporation ^{the Corpora-} and shall be signed by the person or persons thereunto author- ^{tion.} ized by resolution of the Board of Managers.

11.—(1) The composition and number of the staff of the ^{Staff.} Corporation, the term of office, payment or remuneration and the duties and privileges of the members thereof shall be determined and regulated by the Board of Managers.

(2) The Board of Managers may from time to time appoint ^{Idem.} members to and at their pleasure remove members from the staff of the Corporation.

12. Subject as aforesaid, the Board of Managers shall, as ^{Powers and} regards the trusts, powers, authorities and discretions vested ^{immunities} in them, have absolute and uncontrolled discretion as to the ^{of the Board} exercise thereof, whether in relation to the manner, the mode ^{of Managers.} of, or the time for the exercise thereof, and in the absence of fraud the members of the Board of Managers shall be in nowise responsible for any loss, costs, damages or inconvenience that may result from the exercise or non-exercise thereof.

13. This Act may be cited as *The Infants' Homes of* ^{Short title.} *Toronto Act, 1942.*

BILL
An Act respecting 'The Infants' Homes
of Toronto.

1st Reading
February 18th, 1942

2nd Reading
April 8th, 1942

3rd Reading
April 14th, 1942

MR. MACAULAY

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Guelph.

MR. KING

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Guelph.

Preamble.

WHEREAS the Corporation of the City of Guelph has by its petition represented that on the 20th day of April, 1931, by-law number 2087 was passed by the council of the said City to provide for borrowing certain sums of money for the purposes of constructing certain concrete cement pavements on certain streets in the said city, which pavements were constructed in the year 1930; and that included in the said construction were certain pavements on Suffolk Street, Arnold Street, Paisley Street and Edinburgh Road from which the tracks of the Guelph Street Railway had been removed and the cost thereof was levied for a period of ten years commencing in the year 1931 as a local improvement charged against the ratepayers whose land fronted on such area on the said streets, and that in respect thereof the provisions of *The Local Improvement Act* were complied with; that similar tracks of the Guelph Street Railway were removed in the year 1938 on other streets in the said city and paving operations were completed on such streets, the cost of which paving, under authority of the said council, was charged to the general tax rate and not as a local improvement; that it is alleged by the said ratepayers that they have been unfairly dealt with and that the cost of paving the said streets first mentioned should have been paid out of the general tax rate; that the sum of \$6,954 has been levied against the said ratepayers as their share of the cost of the said paving; that it is deemed expedient to refund to the said ratepayers, their heirs, executors, administrators and assigns, the various amounts so paid; that in order to meet such payments it is deemed expedient to raise the money so required by providing for the same in the estimates for the general tax rate for the year 1942 and to levy the said sum in the year 1942 and that a by-law authorizing such payments to the said ratepayers, their heirs, executors administrators and assigns, whose names appear in Schedule "A" to the said by-law number 2087, be passed without submitting the question to the electors qualified to vote on money by-laws; whereas the said Corporation by its petition has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;



Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
pass special
by-law.

1. Notwithstanding the provisions of any other Act, the Corporation of the City of Guelph may, without the assent of the electors qualified to vote on money by-laws, pass by-laws for refunding to the ratepayers, their heirs, executors, administrators or assigns whose properties front on those parts of Suffolk Street, Arnold Street, Paisley Street and Edinburgh Road in the City of Guelph on which the tracks of the Guelph Street Railway were formerly laid and which are now paved and against whom the cost of such paving has been levied as a local improvement, the amounts provided in Schedule "A" to by-law number 2087 of the said Corporation and which are set forth as Schedule 1 to this Act.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal assent.

Short title.

3. This Act may be cited as *The City of Guelph Act, 1942*.

SCHEDULE 1

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK ST.—ST. RAILWAY—WOOLWICH TO YORKSHIRE						
NORTH SIDE						
Canadian Oil Co.....	50.0		1	83.4	94.33	12.57
Lutheran Church.....			2	48.0	54.29	7.24
Rettie, Jos.....		10	3	45.4	51.35	6.84
Walker, E. J. C.....			pt. 3	3.4	3.84	.51
Jones, Margaret.....	50.0		4	35.8	40.49	5.40
Pickard, T. R.....	50.0		pt. 789	20.45	23.13	3.08
Stewart, W. O.....			pt. 789	34.0	38.45	5.12
McPherson, B. H.....		11	pt. 788	30.6	34.60	4.61
O'Connor, Robert.....		13	pt. 788	33.0	37.32	4.97
Trustees Baptist Church.		17	pt. 788	45.0	50.89	6.78
Yule, Lizzie.....		21	pt. 787	28.8	32.57	4.34
Cole, Norman.....		25	pt. 787	28.7	32.46	4.33
Talbot, Robert.....		27	pt. 787	49.3	55.75	7.43
Kirvan, John J.....		31	pt. 786	40.8	46.14	6.15
Rowan, Edith.....			pt. 786	36.0	40.72	5.42
Croot, Wm.....		37	pt. 786 }			
			pt. 785 }	42.0	47.50	6.33
Millar, James S.....		41	pt. 785	27.5	31.10	4.15
Millar, James S.....		43	pt. 785	27.5	31.10	4.14
Rowan, Edith.....	42.3	47 }				
		49 }	pt. 785	Nil		
King Edward School....	50.0		1-2	44.6	50.44	6.72
Stephens, William.....		61	3	49.4	55.87	7.45
Penfold, Herbert.....		65	pt. 4 }			
Penfold, Amy.....		67	pt. 4 }	47.3	53.50	7.13
Haley, Thomas.....		79 }				
		71 }	6	51.2	57.90	7.72
Griffenham, Chris.....	50.0	73	5	2.2	2.49	.33
Barber, Robert.....	50.0	75 }				
		79 }	4	3.6	4.07	.54
Barber, Robert.....		83	3.-2.	58.0	65.60	8.74
Barber, Robert.....		85	2	26.9	30.43	4.05
Barber, Robert.....		87	1-2	26.9	30.43	4.06
Johns, Herbert E.....	46.0	91	1	Nil		
Baker, Fred R.....	50.0	103	1	4.6	5.20	.69
Mowatt, Amy, Estate...		109	2	53.125	60.08	8.00
Williamson, Jessie.....		115	3	51.125	57.83	7.70
Hazelwood, Enoch.....	50.0	119	4	2.3	2.60	.35
Mills, Mary Ellen.....	50.0	129	5	1.6	1.80	.24
Spotton, John J.....		133	6	59.6	67.40	8.98
Peart, Archie.....		137	7	59.6	67.42	8.98
Lane, Margaret.....		145	8	59.0	66.73	8.89
Jackson, A. E.....		149	pt. 9	43.0	48.63	6.48
Martin, Irvine K.....	15.0	153	pt. 9	Nil		
	553.3			1,306.75	1,474.45	196.46

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK STREET—ST. RAILWAY—Continued						
Brought forward.....	553.3			1,306.75	1,474.45	196.46
SOUTH SIDE						
Lander Brothers.....	50.0		934 }			
			935 }	173.25	195.96	26.12
St. Andrew's Church....	50.0		933 }	54.45	61.58	8.20
Cramer, Raymond.....	50.0	2	pt. 744	26.4	29.87	3.98
Newstead, Caroline.....		10	pt. 744	26.4	29.86	3.98
Evans, W. G. E.....		12	pt. 745	45.3	48.97	6.53
Linton, Adam.....		16	pt. 745	33.3	37.67	5.02
Stephens, Wm. S.....		20	pt. 745	31.6	35.74	4.76
Dennis, A.....		22	pt. 746	36.0	40.73	5.43
McGibbon, Alex.....		24	pt. 746	36.0	40.73	5.43
Kirvan, John J.....		28	pt. 746	36.0	40.73	5.42
Moritz, A. L.....		34	pt. 747	62.0	70.12	9.35
Wood, Fred W.....		38	pt. 747 }			
			pt. 748 }	67.0	75.78	10.10
Broome, A. E.....	50.0	46	pt. 748	37.4	42.30	5.64
Methodist Church.....	50.0		5-6	106.0	119.89	15.98
Graham, J. E.....		70	pt. 9	27.6	31.21	4.16
Rowen, Edith.....		72	pt. 9	27.6	31.21	4.16
Reid, David.....		74	10	55.0	62.20	8.29
Coutts, Joseph.....		78	pt. 13	26.0	29.41	3.92
Allan, M.....		80	pt. 13	29.0	32.80	4.37
United Church.....		82	14	55.0	62.20	8.29
Bradley, W. A.....		90	17	55.0	62.20	8.30
Iles, Miss.....	50.0		18	50.0	56.55	7.55
McHugh, Hugh.....	50.0		pt. pk. 46	60.6	68.54	9.15
Nicklin, Harold.....		114	pt. pk. 46	29.5	33.36	4.45
Zeigler, John.....		116	pt. pk. 46	29.5	33.36	4.45
Tiller, Wm. J.....		120	pt. pk. 46	43.8	49.54	6.60
Harris, A. J. B.....		124 }				
		126 }	pt. pk. 46	60.06	68.54	9.14
Lambert, J. T.....		130	pt. pk. 9	44.0	49.76	6.64
Koch, G. F.....		132	pt. pk. 9	30.0	33.93	4.53
Reed, James.....		136	7	44.0	49.76	6.64
Kirby, Nellie (Mrs.)....		140	5	47.6	53.83	7.18
Falconbridge, Arkell B..		144	pt. pk. 3	22.0	24.88	3.33
Wallace, Geo. A.....		146	pt. pk. 3	25.0	28.28	3.77
Wallace, Geo. A.....		148	pt. pk. 1	25.00	28.27	3.77
Wallace, Annie E.....	19.6	150	pt. pk. 1	Nil		
TOTALS.....	922.9			2,862.7	3,234.21	431.09

Cost per foot frontage..... \$1.131
 Annual cost per foot frontage..... .151
 Rate of interest..... 5%
 Period..... 10 years
 Construction By-law No..... 2052 (?)

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH
SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exem- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK STREET—ARNOLD ST. TO YORKSHIRE ST.						
NORTH SIDE						
Biltmore Hats, Ltd.	50.0	155	15 pt. 14	55.0	56.58	7.33
Shearer Gillette Co.		167	pt. 14)			
		167	13, 12)	190.0	195.47	25.32
Brohman, Louis.		185	pt. 12	36.0	37.04	4.80
Ryan, James, Estate.		189)				
		193)	pt. 11	35.0	87.45	11.33
Hodge, Wm.		197	pt. 10	33.0	33.95	4.39
	50.0			399.0	410.49	53.17
SOUTH SIDE						
Barber, Chas. W.	50.0		15	4.6	4.73	.63
McCullough, John S.		160	15	30.0	30.86	3.99
Ryan, James S., Estate. .		166	14	84.6	87.04	11.28
O'Brien, Thomas J.		174	pt. 13	30.0	30.86	3.99
Ryan, James S., Estate. .		170	pt. 13	54.6	56.18	7.28
Ryan, James S., Estate. .	15.4		12	69.2	71.19	9.23
Ryan, James, Estate.	34.6	192	11	69.2	71.19	9.23
TOTAL.	150.0			672.0	762.54	98.80

Cost per foot frontage. \$1.0288
Annual charge per foot frontage. 0.137
Period. 10 years
Rate of interest. 5%
Construction By-law No. 2052

ARNOLD STREET—PAISLEY ST. TO SUFFOLK ST.

WEST SIDE						
Cheevers, Annie.	50.0		pt. 9	34.94	56.53	7.53
Rumbull, Wilbur.		16	pt. 9	45.6	46.91	6.25
Williams, Harry.	50.0	20	pt. 9	10.0	10.29	1.37
Day, Geo. E.	50.0	32	pt. 9	72.0	74.07	9.87
Cain, Albert.		46	pt. 9	45.0	46.30	6.17
Benallick, Archie.	50.0	50	pt. 9	27.0	27.78	3.70
Sorby, Mary C.	50.0		pt. 9	22.0	22.64	3.02
Stewart, Roy H.		62	pt. 9	33.0	33.95	4.53
Sullivan, James A.	50.0	72	pt. 9	55.0	56.59	7.54
	300.0			364.54	375.06	49.98
EAST SIDE						
Collegiate Institute.	50.0		Coll.	370.0	380.67	50.74
Ryan, James, Estate.		45	pt. 11	99.3	102.17	13.63
Ryan, James, Estate.		63	pt. 11	99.3	102.17	13.62
Ryan, James, Estate.	50.0			49.3	50.73	6.76
TOTALS.	400.0			982.44	1,010.80	134.73

Cost per foot frontage. \$1.0298
Annual charge per foot frontage. 0.137
Period. 10 years
Rate of interest. 5%
Construction By-law. 2052

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
PAISLEY STREET—EDINBURGH RD. TO ARNOLD ST.						
NORTH SIDE						
Cheevers, Annie.....	50.0	189-187	pt. 9	5.0	5.14	.68
Savage, Geo. A.....		193	pt. 9	30.0	30.86	4.11
Savage, Geo. A.....		195	pt. 8	43.6	44.86	5.98
Lidster, Georgina.....		199	pt. 8	42.9	44.14	5.88
Savage, Geo. A.....		205-209				
		211	pt. 7	84.0	86.42	11.52
Benallick, Frances.....		215	pt. 6	40.0	41.15	5.48
Moody, Jennie.....		219	pt. 6	46.0	47.32	6.31
Shields, Emily.....		223	pt. 5	39.6	40.74	5.43
Allison, Wm.....		225	pt. 5	38.0	39.09	5.21
Stewart, John A.....		229	pt. 4	40.0	41.15	5.48
Readwin, Geo. K.....			pt. 4	40.0	41.15	5.48
Gowdy, Samuel.....		241	3	80.4	82.72	11.03
C. N. Ry.....	50.0			74.2	76.33	10.17
	100.0			603.7	621.07	82.76
SOUTH SIDE						
Maddock, R. F., Estate	83.0	188	1-9-10	86.0	88.48	11.80
Purcell, James M.....	40.0	200	pt. 10	Nil		
Maddock, H. A.....	28.0	208	pt. 17	Nil		
Maddock, H. A.....	22.0	210	pt. 17	2.0	2.06	.28
Armstrong, Jean.....		214	pt. 18	37.0	38.05	5.07
Colson, Mary.....		216	pt. 18			
			19	25.0	25.73	3.43
Handbridge, H.....		218	pt. 19	32.6	33.54	4.47
Bicker, Mary.....		222	100	81.0	83.34	11.10
Roberts, William.....		232	99	55.0	56.59	7.55
Readwin, Geo. K.....	46.0	236	98	Nil		
Webber, G. R.....	50.0	238	pt. 97	20.0	20.58	2.75
Clarke, Isabella A.....		238	pt. 97	13.6	13.99	1.87
TOTALS.....	369.0			955.9	983.43	131.08

Cost per foot frontage..... \$1.0288
 Annual charge per foot frontage..... 0.137
 Period..... 10 years
 Rate of interest..... 5%
 Construction By-law No..... 2052

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
EDINBURGH ROAD—CRIMEA ST. TO PAISLEY ST.						
EAST SIDE						
Watt, James, Estate....	38.0		1	Nil		
Watt, James, Estate....	12.0		2	26.0	26.75	3.56
Watt, James, Estate....			3	38.0	39.10	5.21
Watt, James, Estate....			4	38.0	39.10	5.21
Watt, James, Estate....			5	38.0	39.10	5.21
Watt, James, Estate....			A	40.0	41.15	5.48
Watt, James, Estate....			6	33.4	34.37	4.58
Cordiner, Alex.....			7	33.4	34.37	4.58
Young, Norman L.....		65	8	33.4	34.37	4.58
Moore, Wm.....		73	87	54.84	56.42	7.52
McLean, Gordon.....	50.0	75	88	4.84	4.98	.66
Monkhouse, Joseph....	50.0	81	89	9.4	9.67	1.29
McDonald, Jennie.....		85	pt. 90	35.5	36.53	4.87
Cass, Ed. F.....		89	pt. 91			
			pt. 90	35.5	36.53	4.87
Kelly, George.....		93	pt. 91	35.5	36.53	4.87
May, Harold.....		97	pt. 91			
			pt. 92	35.5	36.53	4.87
Hauck, Albert.....		101	pt. 92	35.5	36.53	4.87
Carter, Annie C., Estate.		103	93	47.9	49.28	6.57
Guild, Loren R.....		107	pt. 94	45.0	46.30	6.17
Felker, Winnifred.....		111	pt. 94-95	31.8	32.71	4.35
Hyde, Walter T.....		115	pt. 95	53.1	54.62	7.28
Callander, Malcolm.....		119	pt. 96	39.9	41.05	5.47
Clarke, Isabella A.....	50.0		97	6.4	6.58	.87
	200.0			750.88	772.57	102.94
WEST SIDE						
Bruder, Wm.....		42	101	56.0	57.61	7.68
Kloepfer Coal Co.....		44	100	56.0	57.61	7.67
Warren, Harold.....		50	99	50.1	51.54	6.87
Warren, Harold.....			pt. 99			
			98	62.7	64.50	8.60
Beliski, Annie.....		62	97	56.4	58.02	7.77
Earon, Jas. K.....		64	pt. 96	28.2	29.01	3.87
Gruzleski, Anthony.....		68	pt. 96	28.2	29.01	3.86
McKeig, Elmer.....		72	95	56.4	58.02	7.77
Collins, Joseph.....		76	94	56.0	57.61	7.67
Ellis, Sarah.....		80	pt. 93	19.0	19.55	2.60
Ellis, Sarah.....		82	pt. 93	37.0	38.05	5.07
Lamont, Christian.....		84	92	55.0	56.58	7.54
Hughes, Charles, Estate.			66	97.0	99.79	13.30
C. N. Ry.....				200.0	205.76	27.42
TOTALS.....	200.0			1,608.9	1,655.23	220.63

Cost per foot frontage..... \$1.0288
 Annual charge per foot frontage..... 0.137
 Period..... 10 years
 Rate of interest..... 5%
 Construction By-law No..... 2052

BILL

An Act respecting the City of Guelph.

1st Reading

2nd Reading

3rd Reading

MR. KING

(Private Bill)

No. 2

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Guelph.

MR. KING

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Guelph.

Preamble.

WHEREAS the Corporation of the City of Guelph has by its petition represented that on the 20th day of April, 1931, by-law number 2087 was passed by the council of the said City to provide for borrowing certain sums of money for the purposes of constructing certain concrete cement pavements on certain streets in the said city, which pavements were constructed in the year 1930; and that included in the said construction were certain pavements on Suffolk Street, Arnold Street, Paisley Street and Edinburgh Road from which the tracks of the Guelph Street Railway had been removed and the cost thereof was levied for a period of ten years commencing in the year 1931 as a local improvement charged against the ratepayers whose land fronted on such area on the said streets, and that in respect thereof the provisions of *The Local Improvement Act* were complied with; that similar tracks of the Guelph Street Railway were removed in the year 1938 on other streets in the said city and paving operations were completed on such streets, the cost of which paving, under authority of the said council, was charged to the general tax rate and not as a local improvement; that it is alleged by the said ratepayers that they have been unfairly dealt with and that the cost of paving the said streets first mentioned should have been paid out of the general tax rate; that the sum of \$6,954 has been levied against the said ratepayers as their share of the cost of the said paving; that it is deemed expedient to refund to the said ratepayers, their heirs, executors, administrators and assigns, the various amounts so paid; that in order to meet such payments it is deemed expedient to raise the money so required by providing for the same in the estimates for the general tax rate for the year 1942 and to levy the said sum in the year 1942 and that a by-law authorizing such payments to the said ratepayers, their heirs, executors administrators and assigns, whose names appear in Schedule "A" to the said by-law number 2087, be passed without submitting the question to the electors qualified to vote on money by-laws; whereas the said Corporation by its petition has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any other Act, the Corporation of the City of Guelph may, without the assent of the electors qualified to vote on money by-laws, pass by-laws for refunding to the ratepayers, their heirs, executors, administrators or assigns whose properties front on those parts of Suffolk Street, Arnold Street, Paisley Street and Edinburgh Road in the City of Guelph on which the tracks of the Guelph Street Railway were formerly laid and which are now paved and against whom the cost of such paving has been levied as a local improvement, the amounts provided in Schedule "A" to by-law number 2087 of the said Corporation and which are set forth as Schedule 1 to this Act. Power to pass special by-law.
2. This Act shall come into force on the day upon which it receives the Royal assent. Commencement of Act.
3. This Act may be cited as *The City of Guelph Act, 1942*. Short title.

SCHEDULE 1

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK ST.—ST. RAILWAY—WOOLWICH TO YORKSHIRE						
NORTH SIDE						
Canadian Oil Co.....	50.0		1	83.4	94.33	12.57
Lutheran Church.....			2	48.0	54.29	7.24
Rettie, Jos.....		10	3	45.4	51.35	6.84
Walker, E. J. C.....			pt. 3	3.4	3.84	.51
Jones, Margaret.....	50.0		4	35.8	40.49	5.40
Pickard, T. R.....	50.0		pt. 789	20.45	23.13	3.08
Stewart, W. O.....			pt. 789	34.0	38.45	5.12
McPherson, B. H.....		11	pt. 788	30.6	34.60	4.61
O'Connor, Robert.....		13	pt. 788	33.0	37.32	4.97
Trustees Baptist Church.		17	pt. 788	45.0	50.89	6.78
Yule, Lizzie.....		21	pt. 787	28.8	32.57	4.34
Cole, Norman.....		25	pt. 787	28.7	32.46	4.33
Talbot, Robert.....		27	pt. 787	49.3	55.75	7.43
Kirvan, John J.....		31	pt. 786	40.8	46.14	6.15
Rowan, Edith.....			pt. 786	36.0	40.72	5.42
Croot, Wm.....		37	pt. 786 }			
			pt. 785 }	42.0	47.50	6.33
Millar, James S.....		41	pt. 785	27.5	31.10	4.15
Millar, James S.....		43	pt. 785	27.5	31.10	4.14
Rowan, Edith.....	42.3	47 }				
		49 }	pt. 785	Nil		
King Edward School....	50.0		1-2	44.6	50.44	6.72
Stephens, William.....		61	3	49.4	55.87	7.45
Penfold, Herbert.....		65	pt. 4 }			
Penfold, Amy.....		67	pt. 4 }	47.3	53.50	7.13
Haley, Thomas.....		79 }				
		71 }	6	51.2	57.90	7.72
Griffenham, Chris.....	50.0	73	5	2.2	2.49	.33
Barber, Robert.....	50.0	75 }				
		79 }	4	3.6	4.07	.54
Barber, Robert.....		83	3.-2.	58.0	65.60	8.74
Barber, Robert.....		85	2	26.9	30.43	4.05
Barber, Robert.....		87	1-2	26.9	30.43	4.06
Johns, Herbert E.....	46.0	91	1	Nil		
Baker, Fred R.....	50.0	103	1	4.6	5.20	.69
Mowatt, Amy, Estate...		109	2	53.125	60.08	8.00
Williamson, Jessie.....		115	3	51.125	57.83	7.70
Hazelwood, Enoch.....	50.0	119	4	2.3	2.60	.35
Mills, Mary Ellen.....	50.0	129	5	1.6	1.80	.24
Spotton, John J.....		133	6	59.6	67.40	8.98
Peart, Archie.....		137	7	59.6	67.42	8.98
Lane, Margaret.....		145	8	59.0	66.73	8.89
Jackson, A. E.....		149	pt. 9	43.0	48.63	6.48
Martin, Irvine K.....	15.0	153	pt. 9	Nil		
	553.3			1,306.75	1,474.45	196.46

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK STREET—ST. RAILWAY—Continued						
Brought forward.....	553.3			1,306.75	1,474.45	196.46
SOUTH SIDE						
Lander Brothers.....	50.0		934 }			
			935 }	173.25	195.96	26.12
St. Andrew's Church....	50.0		933 }	54.45	61.58	8.20
Cramer, Raymond.....	50.0	2	pt. 744	26.4	29.87	3.98
Newstead, Caroline.....		10	pt. 744	26.4	29.86	3.98
Evans, W. G. E.....		12	pt. 745	45.3	48.97	6.53
Linton, Adam.....		16	pt. 745	33.3	37.67	5.02
Stephens, Wm. S.....		20	pt. 745	31.6	35.74	4.76
Dennis, A.....		22	pt. 746	36.0	40.73	5.43
McGibbon, Alex.....		24	pt. 746	36.0	40.73	5.43
Kirvan, John J.....		28	pt. 746	36.0	40.73	5.42
Moritz, A. L.....		34	pt. 747	62.0	70.12	9.35
Wood, Fred W.....		38	pt. 747 }			
			pt. 748 }	67.0	75.78	10.10
Broome, A. E.....	50.0	46	pt. 748	37.4	42.30	5.64
Methodist Church.....	50.0		5-6	106.0	119.89	15.98
Graham, J. E.....		70	pt. 9	27.6	31.21	4.16
Rowen, Edith.....		72	pt. 9	27.6	31.21	4.16
Reid, David.....		74	10	55.0	62.20	8.29
Coutts, Joseph.....		78	pt. 13	26.0	29.41	3.92
Allan, M.....		80	pt. 13	29.0	32.80	4.37
United Church.....		82	14	55.0	62.20	8.29
Bradley, W. A.....		90	17	55.0	62.20	8.30
Iles, Miss.....	50.0		18	50.0	56.55	7.55
McHugh, Hugh.....	50.0		pt. pk. 46	60.6	68.54	9.15
Nicklin, Harold.....		114	pt. pk. 46	29.5	33.36	4.45
Zeigler, John.....		116	pt. pk. 46	29.5	33.36	4.45
Tiller, Wm. J.....		120	pt. pk. 46	43.8	49.54	6.60
Harris, A. J. B.....		124 }				
		126 }	pt. pk. 46	60.06	68.54	9.14
Lambert, J. T.....		130	pt. pk. 9	44.0	49.76	6.64
Koch, G. F.....		132	pt. pk. 9	30.0	33.93	4.53
Reed, James.....		136	7	44.0	49.76	6.64
Kirby, Nellie (Mrs.)....		140	5	47.6	53.83	7.18
Falconbridge, Arkell B..		144	pt. pk. 3	22.0	24.88	3.33
Wallace, Geo. A.....		146	pt. pk. 3	25.0	28.28	3.77
Wallace, Geo. A.....		148	pt. pk. 1	25.00	28.27	3.77
Wallace, Annie E.....	19.6	150	pt. pk. 1	Nil		
TOTALS.....	922.9			2,862.7	3,234.21	431.09
Cost per foot frontage..... \$1.131						
Annual cost per foot frontage..... .151						
Rate of interest..... 5%						
Period..... 10 years						
Construction By-law No..... 2052 (?)						

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
SUFFOLK STREET—ARNOLD ST. TO YORKSHIRE ST.						
NORTH SIDE						
Biltmore Hats, Ltd.	50.0	155	15 pt. 14	55.0	56.58	7.33
Shearer Gillette Co.		167	pt. 14			
		167	13, 12	190.0	195.47	25.32
Brohman, Louis.		185	pt. 12	36.0	37.04	4.80
Ryan, James, Estate.		189				
		193	pt. 11	35.0	87.45	11.33
Hodge, Wm.		197	pt. 10	33.0	33.95	4.39
	50.0			399.0	410.49	53.17
SOUTH SIDE						
Barber, Chas. W.	50.0		15	4.6	4.73	.63
McCullough, John S.		160	15	30.0	30.86	3.99
Ryan, James S., Estate.		166	14	84.6	87.04	11.28
O'Brien, Thomas J.		174	pt. 13	30.0	30.86	3.99
Ryan, James S., Estate.		170	pt. 13	54.6	56.18	7.28
Ryan, James S., Estate.	15.4		12	69.2	71.19	9.23
Ryan, James, Estate.	34.6	192	11	69.2	71.19	9.23
TOTAL.	150.0			672.0	762.54	98.80

Cost per foot frontage.	\$1.0288
Annual charge per foot frontage.	0.137
Period.	10 years
Rate of interest.	5%
Construction By-law No.	2052

ARNOLD STREET—PAISLEY ST. TO SUFFOLK ST.

WEST SIDE						
Cheevers, Annie.	50.0		pt. 9	34.94	56.53	7.53
Rumbull, Wilbur.		16	pt. 9	45.6	46.91	6.25
Williams, Harry.	50.0	20	pt. 9	10.0	10.29	1.37
Day, Geo. E.	50.0	32	pt. 9	72.0	74.07	9.87
Cain, Albert.		46	pt. 9	45.0	46.30	6.17
Benallick, Archie.	50.0	50	pt. 9	27.0	27.78	3.70
Sorby, Mary C.	50.0		pt. 9	22.0	22.64	3.02
Stewart, Roy H.		62	pt. 9	33.0	33.95	4.53
Sullivan, James A.	50.0	72	pt. 9	55.0	56.59	7.54
	300.0			364.54	375.06	49.98
EAST SIDE						
Collegiate Institute.	50.0		Coll.	370.0	380.67	50.74
Ryan, James, Estate.		45	pt. 11	99.3	102.17	13.63
Ryan, James, Estate.		63	pt. 11	99.3	102.17	13.62
Ryan, James, Estate.	50.0			49.3	50.73	6.76
TOTALS.	400.0			982.44	1,010.80	134.73

Cost per foot frontage.	\$1.0298
Annual charge per foot frontage.	0.137
Period.	10 years
Rate of interest.	5%
Construction By-law.	2052

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
PAISLEY STREET—EDINBURGH RD. TO ARNOLD ST.						
NORTH SIDE						
Cheevers, Annie.....	50.0	189-187	pt. 9	5.0	5.14	.68
Savage, Geo. A.....		193	pt. 9	30.0	30.86	4.11
Savage, Geo. A.....		195	pt. 8	43.6	44.86	5.98
Lidster, Georgina.....		199	pt. 8	42.9	44.14	5.88
Savage, Geo. A.....		205-209				
		211	pt. 7	84.0	86.42	11.52
Benallick, Frances.....		215	pt. 6	40.0	41.15	5.48
Moody, Jennie.....		219	pt. 6	46.0	47.32	6.31
Shields, Emily.....		223	pt. 5	39.6	40.74	5.43
Allison, Wm.....		225	pt. 5	38.0	39.09	5.21
Stewart, John A.....		229	pt. 4	40.0	41.15	5.48
Readwin, Geo. K.....			pt. 4	40.0	41.15	5.48
Gowdy, Samuel.....		241	3	80.4	82.72	11.03
C. N. Ry.....	50.0			74.2	76.33	10.17
	100.0			603.7	621.07	82.76
SOUTH SIDE						
Maddock, R. F., Estate	83.0	188	1-9-10	86.0	88.48	11.80
Purcell, James M.....	40.0	200	pt. 10	Nil		
Maddock, H. A.....	28.0	208	pt. 17	Nil		
Maddock, H. A.....	22.0	210	pt. 17	2.0	2.06	.28
Armstrong, Jean.....		214	pt. 18	37.0	38.05	5.07
Colson, Mary.....		216	pt. 18			
			19	25.0	25.73	3.43
Handbridge, H.....		218	pt. 19	32.6	33.54	4.47
Bicker, Mary.....		222	100	81.0	83.34	11.10
Roberts, William.....		232	99	55.0	56.59	7.55
Readwin, Geo. K.....	46.0	236	98	Nil		
Webber, G. R.....	50.0	238	pt. 97	20.0	20.58	2.75
Clarke, Isabella A.....		238	pt. 97	13.6	13.99	1.87
TOTALS.....	369.0			955.9	983.43	131.08

Cost per foot frontage..... \$1.0288
 Annual charge per foot frontage..... 0.137
 Period..... 10 years
 Rate of interest..... 5%
 Construction By-law No..... 2052

SCHEDULE "A" ATTACHED TO BY-LAW No. 2087—CITY OF GUELPH

SPECIAL ASSESSMENT ROLL FOR PAVEMENTS

Constructed in the year 1930

Owner	Front- age Exemp- tion	House No.	Lot No.	Assess- able Front- age	Share of cost	Annual Charge for 10 yrs.
EDINBURGH ROAD—CRIMEA ST. TO PAISLEY ST.						
EAST SIDE						
Watt, James, Estate....	38.0		1	Nil		
Watt, James, Estate....	12.0		2	26.0	26.75	3.56
Watt, James, Estate....			3	38.0	39.10	5.21
Watt, James, Estate....			4	38.0	39.10	5.21
Watt, James, Estate....			5	38.0	39.10	5.21
Watt, James, Estate....			A	40.0	41.15	5.48
Watt, James, Estate....			6	33.4	34.37	4.58
Cordiner, Alex.....			7	33.4	34.37	4.58
Young, Norman L.....		65	8	33.4	34.37	4.58
Moore, Wm.....		73	87	54.84	56.42	7.52
McLean, Gordon.....	50.0	75	88	4.84	4.98	.66
Monkhouse, Joseph....	50.0	81	89	9.4	9.67	1.29
McDonald, Jennie.....		85	pt. 90	35.5	36.53	4.87
Cass, Ed. F.....		89	pt. 91	35.5	36.53	4.87
			pt. 90			
			pt. 91			
Kelly, George.....		93	pt. 91	35.5	36.53	4.87
May, Harold.....		97	pt. 91	35.5	36.53	4.87
			pt. 92			
			pt. 92			
Hauck, Albert.....		101	pt. 92	35.5	36.53	4.87
Carter, Annie C., Estate.		103	93	47.9	49.28	6.57
Guild, Loren R.....		107	pt. 94	45.0	46.30	6.17
Felker, Winnifred.....		111	pt. 94-95	31.8	32.71	4.35
Hyde, Walter T.....		115	pt. 95	53.1	54.62	7.28
Callander, Malcolm....		119	pt. 96	39.9	41.05	5.47
Clarke, Isabella A.....	50.0		97	6.4	6.58	.87
	200.0			750.88	772.57	102.94
WEST SIDE						
Bruder, Wm.....		42	101	56.0	57.61	7.68
Kloepfer Coal Co.....		44	100	56.0	57.61	7.67
Warren, Harold.....		50	99	50.1	51.54	6.87
Warren, Harold.....			pt. 99	62.7	64.50	8.60
			98			
			97			
Beliski, Annie.....		62	97	56.4	58.02	7.77
Earon, Jas. K.....		64	pt. 96	28.2	29.01	3.87
Gruzleski, Anthony....		68	pt. 96	28.2	29.01	3.86
McKeig, Elmer.....		72	95	56.4	58.02	7.77
Collins, Joseph.....		76	94	56.0	57.61	7.67
Ellis, Sarah.....		80	pt. 93	19.0	19.55	2.60
Ellis, Sarah.....		82	pt. 93	37.0	38.05	5.07
Lamont, Christian.....		84	92	55.0	56.58	7.54
Hughes, Charles, Estate.			66	97.0	99.79	13.30
C. N. Ry.....				200.0	205.76	27.42
TOTALS.....	200.0			1,608.9	1,655.23	220.63

Cost per foot frontage..... \$1.0288
 Annual charge per foot frontage..... 0.137
 Period..... 10 years
 Rate of interest..... 5%
 Construction By-law No..... 2052

BILL

An Act respecting the City of Guelph.

1st Reading

February 18th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. KING

No. 3

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Ina Grafton Homes.

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Ina Grafton Homes.

Preamble.

WHEREAS Ina Grafton Homes, hereinafter called the Corporation, has by its petition represented that it was incorporated on the 22nd day of January, 1917, by Letters Patent under *The Ontario Companies Act* without share capital under the name "Ina Grafton Homes Corporation" for the following purposes and objects, that is to say: "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid"; that by Supplementary Letters Patent dated the 9th day of February, 1917, the name of the Corporation was changed to "Ina Grafton Homes"; that it has agreed to transfer to and vest in the United Church of Canada, incorporated by an Act of the Parliament of Canada, passed in the fifteenth year of the reign of His late Majesty King George V, chaptered 100 and entitled *The United Church of Canada Act*, hereinafter called "the Church", all its property, endowment, undertaking and assets; and that the Church has agreed to carry on the operation and undertaking of the Corporation; and whereas the Corporation has prayed for special legislation confirming the said agreement and enabling the parties thereto to carry out its purpose; and whereas it is expedient to grant the prayer of the said petition;

1924, c. 100,
Canada.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
with United
Church
validated.

1. The agreement made between the Corporation and the Church dated the 1st day of January, 1942, set out as Schedule A hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder and to exercise, possess and enjoy their respective rights, powers and privileges thereunder.

Undertaking
and property
of Corpora-
tion vested
in Church.

2. The undertaking, property, assets, rights, privileges, credits and effects of the Corporation, including all gifts and legacies to, and endowment of the Corporation, whether

heretofore or hereafter given or made and the exclusive right and use of the name "Ina Grafton Homes" are hereby vested in and become the property of the Church, and all such gifts, legacies and endowments shall enure to the benefit of the Church and wherever in any deed of gift or will or other instrument of gift or endowment heretofore made the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Church.

Liability
of Church.

3. From and after the day upon which this Act comes into force, all rights of creditors against the property, rights and assets of the Corporation and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Corporation shall thenceforth attach to the Church and may be enforced against it to the extent of the property and assets hereby vested in the Church.

Registration
of docu-
ments.

Rev. Stat.,
cc. 174, 170,
181.

4. For the purposes of *The Land Titles Act*, *The Registry Act*, *The Bills of Sale and Chattel Mortgage Act* or any other Act affecting the title to property, it shall be sufficient in order to show the transmission or transfer of title from the Corporation to the Church and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act.

Short title.

5. This Act may be cited as *The Ina Grafton Homes Act, 1942.*

SCHEDULE A

THIS AGREEMENT entered into this first day of January, A.D. 1942.

BETWEEN:

INA GRAFTON HOMES,
hereinafter referred to as "the Corporation",
OF THE FIRST PART,

—and—

THE UNITED CHURCH OF CANADA,
hereinafter referred to as "the Church",
OF THE SECOND PART.

WHEREAS the Corporation was incorporated by Letters Patent under *The Ontario Companies' Act*, without share capital, for the following purposes and objects, that is to say, "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid."

AND WHEREAS by agreement bearing date the 5th day of September, 1930, the Corporation agreed to provide and the Church agreed to operate a home for elderly women of necessitous circumstances, and it was further agreed that at the end of ten years, from the date of said agreement, if in the opinion of the parties thereto, the undertaking was then operating satisfactorily and there was then still need of such a home, the property and endowment, undertaking and assets of the Corporation should be transferred to the Church, upon trust for the fulfilment of the objects set forth in the Charter incorporating the Corporation;

AND WHEREAS the Corporation did provide and the Church has operated the said home for more than ten years;

AND WHEREAS the parties hereto are of the opinion that the home is operating satisfactorily and that there is still need of such a home;

AND WHEREAS the Corporation has agreed to transfer to the Church all its property and endowment, undertaking and assets;

AND WHEREAS the Church has agreed to accept the transfer of the property and endowment, undertaking and assets of the Corporation and to hold the same in trust for the purposes hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Corporation agrees to transfer, and convey to and vest in the Church all the property and endowment, undertaking and assets of the Corporation.

2. The Church agrees to operate the said property and endowment, undertaking and assets in accordance with the intent of the objects set forth in the said Letters Patent.

3. Subject to the provisions of the next succeeding paragraph the Church agrees to use the income only of the moneys and investments of the Corporation hereby transferred to the Church, it being the intent of the parties hereto that any addition to the present building or any new homes acquired or built by the Church shall be paid for out of accumulated income or additional gifts made to the fund.

4. The Church shall have the right to sell or otherwise dispose of the property hereby agreed to be transferred and conveyed or any part thereof and the proceeds of such sale or sales shall be applied on Capital Account

to be used for the purposes of the Trust, but may be used to acquire property in lieu of the property so sold or otherwise disposed of.

5. The property and endowment, undertaking and assets hereby agreed to be transferred shall be maintained by the Church as a separate trust, to be known as the "INA GRAFTON GAGE TRUST", and the home now in operation, or any subsequent homes operated under this trust shall have associated with it or them the name "Ina Grafton Gage".

6. The costs of and incidental to the entering into of this agreement and of legislation to implement the same, the costs of winding up and surrendering the Charter and any obligations of the Corporation shall be paid out of accumulated income by the Church.

7. The parties hereto shall execute all deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of this agreement and the vesting in the Church all the property and endowment, undertaking and assets of the Corporation.

8. From and after the date hereof and until the passing of the said legislation, each of the parties hereto shall continue to operate under the terms of the agreement between the parties hereto above recited.

9. The parties hereto will co-operate and endeavour to obtain legislation at the next Session of the Legislature of the Province of Ontario, validating and confirming this agreement and/or embodying the terms and provisions herein contained, in such manner as may be necessary to give full effect to the true intent and meaning of this agreement and to vest in the Church all of the property and endowment, undertaking and assets of the Corporation. Should such legislation not be obtained within six months from the date hereof this agreement shall be at an end.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

in the presence of:

INA GRAFTON HOMES.

(Sgd.) C. McCORMACK, Lt.-Col.,
President.

(Sgd.) G. A. REID,
Secretary.

(L.S.)
THE UNITED CHURCH OF CANADA,

(Sgd.) GORDON A. SISCO,

(Sgd.) R. B. COCHRANE.
(L.S.)

BILL

An Act respecting Ina Grafton Homes.

1st Reading

2nd Reading

3rd Reading

MR. MACAULAY

(Private Bill)

No. 3

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Ina Grafton Homes.

MR. MACAULAY

*(Reprinted as amended by the Standing Committee
on Private Bills.)*

BILL

An Act respecting Ina Grafton Homes.

Preamble.

WHEREAS Ina Grafton Homes, hereinafter called the Corporation, has by its petition represented that it was incorporated on the 22nd day of January, 1917, by Letters Patent under *The Ontario Companies Act* without share capital under the name "Ina Grafton Homes Corporation" for the following purposes and objects, that is to say: "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid"; that by Supplementary Letters Patent dated the 9th day of February, 1917, the name of the Corporation was changed to "Ina Grafton Homes"; that it has agreed to transfer to and vest in the United Church of Canada, incorporated by an Act of the Parliament of Canada, passed in the fifteenth year of the reign of His late Majesty King George V, chaptered 100 and entitled *The United Church of Canada Act*, hereinafter called "the Church", all its property, endowment, undertaking and assets; and that the Church has agreed to carry on the operation and undertaking of the Corporation; and whereas the Corporation has prayed for special legislation confirming the said agreement and enabling the parties thereto to carry out its purpose; and whereas it is expedient to grant the prayer of the said petition;

1924, c. 100,
Canada.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
with United
Church
validated.

1. The agreement made between the Corporation and the Church dated the 1st day of January, 1942, set out as Schedule A hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder and to exercise, possess and enjoy their respective rights, powers and privileges thereunder.

Undertaking
and property
of Corpora-
tion vested
in Church.

2. The undertaking, property, assets, rights, privileges, credits and effects of the Corporation, including all gifts and legacies to, and endowment of the Corporation, whether

heretofore or hereafter given or made and the exclusive right and use of the name "Ina Grafton Homes" are hereby vested in and become the property of the Church, and all such gifts, legacies and endowments shall enure to the benefit of the Church and wherever in any deed of gift or will or other instrument of gift or endowment heretofore made the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Church.

Liability
of Church.


3. From and after the day upon which this Act comes into force, all rights of creditors against the property, rights and assets of the Corporation and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Corporation shall thenceforth attach to the Church and may be enforced against it to the extent of the property and assets hereby vested in the Church.

Registration
of docu-
ments.

Rev. Stat.,
cc. 174, 170,
181.

4. For the purposes of *The Land Titles Act*, *The Registry Act*, *The Bills of Sale and Chattel Mortgage Act* or any other Act affecting the title to property, it shall be sufficient in order to show the transmission or transfer of title from the Corporation to the Church and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act.

Church to
continue
operations
of the Cor-
poration.

5. It is hereby declared that the Church shall operate the property and endowment, undertaking and assets of the Corporation in accordance with the terms of the agreement set out as Schedule A hereto and in accordance with the intent of the objects of the Corporation set out in its Letters Patent. 

Short title.

6. This Act may be cited as *The Ina Grafton Homes Act, 1942*.

SCHEDULE A

THIS AGREEMENT entered into this first day of January, A.D. 1942.

BETWEEN:

INA GRAFTON HOMES,
hereinafter referred to as "the Corporation",
OF THE FIRST PART,

—and—

THE UNITED CHURCH OF CANADA,
hereinafter referred to as "the Church",
OF THE SECOND PART.

WHEREAS the Corporation was incorporated by Letters Patent under *The Ontario Companies' Act*, without share capital, for the following purposes and objects, that is to say, "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid."

AND WHEREAS by agreement bearing date the 5th day of September, 1930, the Corporation agreed to provide and the Church agreed to operate a home for elderly women of necessitous circumstances, and it was further agreed that at the end of ten years, from the date of said agreement, if in the opinion of the parties thereto, the undertaking was then operating satisfactorily and there was then still need of such a home, the property and endowment, undertaking and assets of the Corporation should be transferred to the Church, upon trust for the fulfilment of the objects set forth in the Charter incorporating the Corporation;

AND WHEREAS the Corporation did provide and the Church has operated the said home for more than ten years;

AND WHEREAS the parties hereto are of the opinion that the home is operating satisfactorily and that there is still need of such a home;

AND WHEREAS the Corporation has agreed to transfer to the Church all its property and endowment, undertaking and assets;

AND WHEREAS the Church has agreed to accept the transfer of the property and endowment, undertaking and assets of the Corporation and to hold the same in trust for the purposes hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Corporation agrees to transfer, and convey to and vest in the Church all the property and endowment, undertaking and assets of the Corporation.

2. The Church agrees to operate the said property and endowment, undertaking and assets in accordance with the intent of the objects set forth in the said Letters Patent.

3. Subject to the provisions of the next succeeding paragraph the Church agrees to use the income only of the moneys and investments of the Corporation hereby transferred to the Church, it being the intent of the parties hereto that any addition to the present building or any new homes acquired or built by the Church shall be paid for out of accumulated income or additional gifts made to the fund.

4. The Church shall have the right to sell or otherwise dispose of the property hereby agreed to be transferred and conveyed or any part thereof and the proceeds of such sale or sales shall be applied on Capital Account

to be used for the purposes of the Trust, but may be used to acquire property in lieu of the property so sold or otherwise disposed of.

5. The property and endowment, undertaking and assets hereby agreed to be transferred shall be maintained by the Church as a separate trust, to be known as the "INA GRAFTON GAGE TRUST", and the home now in operation, or any subsequent homes operated under this trust shall have associated with it or them the name "Ina Grafton Gage".

6. The costs of and incidental to the entering into of this agreement and of legislation to implement the same, the costs of winding up and surrendering the Charter and any obligations of the Corporation shall be paid out of accumulated income by the Church.

7. The parties hereto shall execute all deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of this agreement and the vesting in the Church all the property and endowment, undertaking and assets of the Corporation.

8. From and after the date hereof and until the passing of the said legislation, each of the parties hereto shall continue to operate under the terms of the agreement between the parties hereto above recited.

9. The parties hereto will co-operate and endeavour to obtain legislation at the next Session of the Legislature of the Province of Ontario, validating and confirming this agreement and/or embodying the terms and provisions herein contained, in such manner as may be necessary to give full effect to the true intent and meaning of this agreement and to vest in the Church all of the property and endowment, undertaking and assets of the Corporation. Should such legislation not be obtained within six months from the date hereof this agreement shall be at an end.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

in the presence of:

INA GRAFTON HOMES.

(Sgd.) C. McCORMACK, Lt.-Col.,
President.

(Sgd.) G. A. REID,
Secretary.

(I.S.)
THE UNITED CHURCH OF CANADA,

(Sgd.) GORDON A. SISCO,

(Sgd.) R. B. COCHRANE.
(I.S.)

BILL

An Act respecting Ina Grafton Homes.

1st Reading

February 18th, 1942

2nd Reading

3rd Reading

MR. MACAULAY

*(Reprinted as amended by the Standing
Committee on Private Bills.)*

No. 3

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Ina Grafton Homes.

MR. MACAULAY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Ina Grafton Homes.

Preamble.

1924, c. 100,
Canada.

WHEREAS Ina Grafton Homes, hereinafter called the Corporation, has by its petition represented that it was incorporated on the 22nd day of January, 1917, by Letters Patent under *The Ontario Companies Act* without share capital under the name "Ina Grafton Homes Corporation" for the following purposes and objects, that is to say: "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid"; that by Supplementary Letters Patent dated the 9th day of February, 1917, the name of the Corporation was changed to "Ina Grafton Homes"; that it has agreed to transfer to and vest in the United Church of Canada, incorporated by an Act of the Parliament of Canada, passed in the fifteenth year of the reign of His late Majesty King George V, chaptered 100 and entitled *The United Church of Canada Act*, hereinafter called "the Church", all its property, endowment, undertaking and assets; and that the Church has agreed to carry on the operation and undertaking of the Corporation; and whereas the Corporation has prayed for special legislation confirming the said agreement and enabling the parties thereto to carry out its purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
with United
Church
validated.

1. The agreement made between the Corporation and the Church dated the 1st day of January, 1942, set out as Schedule A hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder and to exercise, possess and enjoy their respective rights, powers and privileges thereunder.

Undertaking
and property
of Corpora-
tion vested
in Church.

2. The undertaking, property, assets, rights, privileges, credits and effects of the Corporation, including all gifts and legacies to, and endowment of the Corporation, whether

heretofore or hereafter given or made and the exclusive right and use of the name "Ina Grafton Homes" are hereby vested in and become the property of the Church, and all such gifts, legacies and endowments shall enure to the benefit of the Church and wherever in any deed of gift or will or other instrument of gift or endowment heretofore made the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Church.

3. From and after the day upon which this Act comes into force, all rights of creditors against the property, rights and assets of the Corporation and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Corporation shall thenceforth attach to the Church and may be enforced against it to the extent of the property and assets hereby vested in the Church. Liability
of Church.

4. For the purposes of *The Land Titles Act*, *The Registry Act*, *The Bills of Sale and Chattel Mortgage Act* or any other Act affecting the title to property, it shall be sufficient in order to show the transmission or transfer of title from the Corporation to the Church and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act. Registration
of docu-
ments.
Rev. Stat.,
cc. 174, 170,
181.

5. It is hereby declared that the Church shall operate the property and endowment, undertaking and assets of the Corporation in accordance with the terms of the agreement set out as Schedule A hereto and in accordance with the intent of the objects of the Corporation set out in its Letters Patent. Church to
continue
operations
of the Cor-
poration.

6. This Act may be cited as *The Ina Grafton Homes Act*, Short title. 1942.

SCHEDULE A

THIS AGREEMENT entered into this first day of January, A.D. 1942.

BETWEEN:

INA GRAFTON HOMES,
hereinafter referred to as "the Corporation",
OF THE FIRST PART,

—and—

THE UNITED CHURCH OF CANADA,
hereinafter referred to as "the Church",
OF THE SECOND PART.

WHEREAS the Corporation was incorporated by Letters Patent under *The Ontario Companies' Act*, without share capital, for the following purposes and objects, that is to say, "to assist by charitable aid those of necessitous circumstances and to provide homes for people in need of aid."

AND WHEREAS by agreement bearing date the 5th day of September, 1930, the Corporation agreed to provide and the Church agreed to operate a home for elderly women of necessitous circumstances, and it was further agreed that at the end of ten years, from the date of said agreement, if in the opinion of the parties thereto, the undertaking was then operating satisfactorily and there was then still need of such a home, the property and endowment, undertaking and assets of the Corporation should be transferred to the Church, upon trust for the fulfilment of the objects set forth in the Charter incorporating the Corporation;

AND WHEREAS the Corporation did provide and the Church has operated the said home for more than ten years;

AND WHEREAS the parties hereto are of the opinion that the home is operating satisfactorily and that there is still need of such a home;

AND WHEREAS the Corporation has agreed to transfer to the Church all its property and endowment, undertaking and assets;

AND WHEREAS the Church has agreed to accept the transfer of the property and endowment, undertaking and assets of the Corporation and to hold the same in trust for the purposes hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Corporation agrees to transfer, and convey to and vest in the Church all the property and endowment, undertaking and assets of the Corporation.

2. The Church agrees to operate the said property and endowment, undertaking and assets in accordance with the intent of the objects set forth in the said Letters Patent.

3. Subject to the provisions of the next succeeding paragraph the Church agrees to use the income only of the moneys and investments of the Corporation hereby transferred to the Church, it being the intent of the parties hereto that any addition to the present building or any new homes acquired or built by the Church shall be paid for out of accumulated income or additional gifts made to the fund.

4. The Church shall have the right to sell or otherwise dispose of the property hereby agreed to be transferred and conveyed or any part thereof and the proceeds of such sale or sales shall be applied on Capital Account

to be used for the purposes of the Trust, but may be used to acquire property in lieu of the property so sold or otherwise disposed of.

5. The property and endowment, undertaking and assets hereby agreed to be transferred shall be maintained by the Church as a separate trust, to be known as the "INA GRAFTON GAGE TRUST", and the home now in operation, or any subsequent homes operated under this trust shall have associated with it or them the name "Ina Grafton Gage".

6. The costs of and incidental to the entering into of this agreement and of legislation to implement the same, the costs of winding up and surrendering the Charter and any obligations of the Corporation shall be paid out of accumulated income by the Church.

7. The parties hereto shall execute all deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of this agreement and the vesting in the Church all the property and endowment, undertaking and assets of the Corporation.

8. From and after the date hereof and until the passing of the said legislation, each of the parties hereto shall continue to operate under the terms of the agreement between the parties hereto above recited.

9. The parties hereto will co-operate and endeavour to obtain legislation at the next Session of the Legislature of the Province of Ontario, validating and confirming this agreement and/or embodying the terms and provisions herein contained, in such manner as may be necessary to give full effect to the true intent and meaning of this agreement and to vest in the Church all of the property and endowment, undertaking and assets of the Corporation. Should such legislation not be obtained within six months from the date hereof this agreement shall be at an end.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED | INA GRAFTON HOMES.

in the presence of:

(Sgd.) C. McCORMACK, Lt.-Col.,
President.

(Sgd.) G. A. REID,
Secretary.

(L.S.)
THE UNITED CHURCH OF CANADA,

(Sgd.) GORDON A. SISCO,

(Sgd.) R. B. COCHRANE.
(L.S.)

BILL

An Act respecting Ina Grafton Homes.

1st Reading

February 18th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. MACAULAY

No. 4

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Township of Korah.

MR. MILLER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Korah.

Preamble.

WHEREAS the Corporation of the Township of Korah has by its petition prayed for special legislation to enable the said Township to be divided into wards for election purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Division
into wards.

1. The council of the Corporation of the Township of Korah may by by-law divide the said Township into four wards to be numbered one to four with such boundaries as the council may deem expedient and as designated in such by-law.

Composition
of council.

2. The said council shall at and after the election held following the passing of the by-law under section 1 consist of a reeve to be elected by general vote and four councillors, one of whom shall be elected for each ward by vote of the municipal electors entitled to vote in such ward.

Nomination
meeting.

3. The nomination of candidates for councillor for each ward shall be held at the same time and place as the nomination of candidates for reeve.

Ballot
papers.

4. One set of ballot papers shall be prepared for all wards and shall contain the names of the candidates for reeve and for councillors for each ward in accordance, *mutatis mutandis*, with Form 6 of *The Municipal Act*.

Rev. Stat.,
c. 266.

When by-
laws to
be passed.

5. Any by-law passed under the authority of this Act shall be passed not later in the year than the 1st day of November and shall take effect at and for the purpose of the annual election held next after the passing thereof.

Short title.

6. This Act may be cited as *The Township of Korah Act, 1942*.

BILL

An Act respecting the Township
of Korah.

1st Reading

2nd Reading

3rd Reading

MR. MILLER

(Private Bill)

No. 4

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Township of Korah.

MR. MILLER

*(Reprinted as amended by the Committee
on Private Bills.)*

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4

1942

BILL

An Act respecting the Township of Korah.

Preamble.

WHEREAS the Corporation of the Township of Korah has by its petition prayed for special legislation to enable the said Township to be divided into wards for election purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Division
into wards.

1. The council of the Corporation of the Township of Korah may by by-law divide the said Township into four wards to be numbered one to four with such boundaries as the council may deem expedient and as designated in such by-law.

Composition
of council.

2. The said council shall at and after the election held following the passing of the by-law under section 1 consist of a reeve to be elected by general vote and four councillors, one of whom shall be elected for each ward by vote of the municipal electors entitled to vote in such ward.

Nomination
meeting.

3. The nomination of candidates for councillor for each ward shall be held at the same time and place as the nomination of candidates for reeve.

When by-
laws to
be passed.

4. Any by-law passed under the authority of this Act shall be passed not later in the year than the 1st day of November and shall take effect at and for the purpose of the annual election held next after the passing thereof.

Short title.

5. This Act may be cited as *The Township of Korah Act, 1942.*

BILL

An Act respecting the Township
of Korah.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. MILLER

(Reprinted as amended by the Committee
on Private Bills.)

No. 4

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Township of Korah.

MR. MILLER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4

1942

BILL

An Act respecting the Township of Korah.

Preamble.

WHEREAS the Corporation of the Township of Korah has by its petition prayed for special legislation to enable the said Township to be divided into wards for election purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Division
into wards.

1. The council of the Corporation of the Township of Korah may by by-law divide the said Township into four wards to be numbered one to four with such boundaries as the council may deem expedient and as designated in such by-law.

Composition
of council.

2. The said council shall at and after the election held following the passing of the by-law under section 1 consist of a reeve to be elected by general vote and four councillors, one of whom shall be elected for each ward by vote of the municipal electors entitled to vote in such ward.

Nomination
meeting.

3. The nomination of candidates for councillor for each ward shall be held at the same time and place as the nomination of candidates for reeve.

When by-
laws to
be passed.

4. Any by-law passed under the authority of this Act shall be passed not later in the year than the 1st day of November and shall take effect at and for the purpose of the annual election held next after the passing thereof.

Short title.

5. This Act may be cited as *The Township of Korah Act, 1942.*

BILL

An Act respecting the Township
of Korah.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. MILLER

No. 5

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

**An Act respecting the Cornwall Street Railway, Light & Power
Company, Limited.**

MR. BROWNRIDGE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5

1942

BILL

An Act respecting the Cornwall Street Railway,
Light & Power Company, Limited.

Preamble.

WHEREAS the Cornwall Street Railway, Light & Power Company, Limited, has by its petition represented that it is desirable to have confirmed by-law number 19, 1940, of the Corporation of the Town of Cornwall which received the assent of the electors of the said town on the 11th day of September, 1940, for the purpose of extending for a period of ten years the franchise rights of the Cornwall Street Railway, Light & Power Company, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 19,
1940,
validated.

1. By-law number 19, 1940, of the Corporation of the Town of Cornwall, passed by the council thereof on the 8th day of July, 1940, being a by-law to extend the franchise of the Cornwall Street Railway, Light & Power Company, Limited, set forth as Schedule A hereto, is hereby confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof and upon the said Company and upon any other person or persons affected thereby.

Short title.

2. This Act may be cited as *The Cornwall Street Railway, Light & Power Company, Limited, Act, 1942.*

SCHEDULE A
BY-LAW No. 19, 1940,
OF THE
TOWN OF CORNWALL.

A by-law to extend the franchise of the Cornwall Street Railway, Light & Power Company, Limited.

WHEREAS by a By-law numbered 47 of the Town of Cornwall, finally passed on the 28th day of December, 1895, certain powers were granted to one, W. R. Hitchcock, his associates, assigns, transferees, or such Company as might be formed by him, to operate an electric railway through certain streets in the Town of Cornwall;

AND WHEREAS a company was subsequently formed, known as "The Cornwall Street Railway, Light & Power Company, Limited," which said Company constructed their lines and operated an electric railway under the said franchise along certain streets through the Town of Cornwall, and extended their line into the Township of Cornwall, the Municipality adjoining the said Town of Cornwall;

AND WHEREAS the Town of Cornwall, by Bylaw No. 33 of the year 1914, extended the franchise of the said Company for a period of twenty years, with certain additions to and amendments of certain sections of By-law No. 47 for the year 1895;

AND WHEREAS the Town of Cornwall, by By-law No. 16 of the year 1930, extended the franchise of the said Company for a further period of ten years from the first day of July, 1931, with certain additions to and amendments of certain sections of By-law No. 47 of the year 1895;

AND WHEREAS the Company is desirous that a further extension of the said franchise as amended be granted;

1. BE IT THEREFORE ENACTED a By-law of the Municipal Corporation of the Town of Cornwall, that the franchise granted to the aforementioned W. R. Hitchcock, his associates, assigns, transferees, or such Company as might be formed by him, or them, to carry out the undertaking of constructing and operating an electric railway, as amended by By-law No. 33 of the year 1914, and by By-law No. 16 of the year 1930, and which said franchise as amended is now held by the Cornwall Street Railway, Light & Power Company, Limited, for the purpose of operating an electric railway, be extended for a period of ten years from the first of July, 1941, to the first of July, 1951, and said franchise shall cover all additional lines and sidings constructed by the said Railway under certain amending By-laws and Resolutions of the Town of Cornwall, for the purpose of connecting private properties with its line of railway operated upon the highways and of carrying freight to and from the said private properties to the various railway stations in the Town and Township of Cornwall.

2. The Company in constructing and keeping in repair its roadbed and the portion of the street which it is to keep in repair pursuant to said By-law No. 47 of the year 1895 shall make it conform to the roadbed of the streets through which the lines pass making it at least equal in permanence and durability to the adjoining roadbed.

3. In other respects the terms and conditions under which the said Company may continue to operate their said railway shall be the same as those set out in said By-law No. 47 of the year 1895, as amended by By-law No. 33 of the year 1914, and as further amended by By-law No. 16 of the year 1930.

Read a first and second time in open Council this 8th day of July,
A.D. 1940.

J. A. PHILLIP,
Mayor.

F. B. BROWNRIDGE,
Clerk.

Read a third time this 16th day of September, A.D. 1940, passed,
signed and sealed.

F. B. BROWNRIDGE,
Clerk.

J. A. PHILLIP,
Mayor.

BILL

An Act respecting the Cornwall Street
Railway, Light & Power Company,
Limited.

1st Reading

2nd Reading

3rd Reading

MR. BROWNIDGE

(Private Bill)

No. 5

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Cornwall Street Railway, Light & Power
Company, Limited.

MR. BROWNRIDGE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5

1942

BILL

An Act respecting the Cornwall Street Railway,
Light & Power Company, Limited.

Preamble.

WHEREAS the Cornwall Street Railway, Light & Power Company, Limited, has by its petition represented that it is desirable to have confirmed by-law number 19, 1940, of the Corporation of the Town of Cornwall which received the assent of the electors of the said town on the 11th day of September, 1940, for the purpose of extending for a period of ten years the franchise rights of the Cornwall Street Railway, Light & Power Company, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 19,
1940,
validated.

1. By-law number 19, 1940, of the Corporation of the Town of Cornwall, passed by the council thereof on the 8th day of July, 1940, being a by-law to extend the franchise of the Cornwall Street Railway, Light & Power Company, Limited, set forth as Schedule A hereto, is hereby confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof and upon the said Company and upon any other person or persons affected thereby.

Short title.

2. This Act may be cited as *The Cornwall Street Railway, Light & Power Company, Limited, Act, 1942.*

SCHEDULE A
BY-LAW No. 19, 1940,
OF THE
TOWN OF CORNWALL.

A by-law to extend the franchise of the Cornwall Street Railway, Light & Power Company, Limited.

WHEREAS by a By-law numbered 47 of the Town of Cornwall, finally passed on the 28th day of December, 1895, certain powers were granted to one, W. R. Hitchcock, his associates, assigns, transferees, or such Company as might be formed by him, to operate an electric railway through certain streets in the Town of Cornwall;

AND WHEREAS a company was subsequently formed, known as "The Cornwall Street Railway, Light & Power Company, Limited," which said Company constructed their lines and operated an electric railway under the said franchise along certain streets through the Town of Cornwall, and extended their line into the Township of Cornwall, the Municipality adjoining the said Town of Cornwall;

AND WHEREAS the Town of Cornwall, by Bylaw No. 33 of the year 1914, extended the franchise of the said Company for a period of twenty years, with certain additions to and amendments of certain sections of By-law No. 47 for the year 1895;

AND WHEREAS the Town of Cornwall, by By-law No. 16 of the year 1930, extended the franchise of the said Company for a further period of ten years from the first day of July, 1931, with certain additions to and amendments of certain sections of By-law No. 47 of the year 1895;

AND WHEREAS the Company is desirous that a further extension of the said franchise as amended be granted;

1. BE IT THEREFORE ENACTED a By-law of the Municipal Corporation of the Town of Cornwall, that the franchise granted to the aforementioned W. R. Hitchcock, his associates, assigns, transferees, or such Company as might be formed by him, or them, to carry out the undertaking of constructing and operating an electric railway, as amended by By-law No. 33 of the year 1914, and by By-law No. 16 of the year 1930, and which said franchise as amended is now held by the Cornwall Street Railway, Light & Power Company, Limited, for the purpose of operating an electric railway, be extended for a period of ten years from the first of July, 1941, to the first of July, 1951, and said franchise shall cover all additional lines and sidings constructed by the said Railway under certain amending By-laws and Resolutions of the Town of Cornwall, for the purpose of connecting private properties with its line of railway operated upon the highways and of carrying freight to and from the said private properties to the various railway stations in the Town and Township of Cornwall.

2. The Company in constructing and keeping in repair its roadbed and the portion of the street which it is to keep in repair pursuant to said By-law No. 47 of the year 1895 shall make it conform to the roadbed of the streets through which the lines pass making it at least equal in permanence and durability to the adjoining roadbed.

3. In other respects the terms and conditions under which the said Company may continue to operate their said railway shall be the same as those set out in said By-law No. 47 of the year 1895, as amended by By-law No. 33 of the year 1914, and as further amended by By-law No. 16 of the year 1930.

Read a first and second time in open Council this 8th day of July,
A.D. 1940.

J. A. PHILLIP,
Mayor.

F. B. BROWNRIDGE,
Clerk.

Read a third time this 16th day of September, A.D. 1940, passed,
signed and sealed.

F. B. BROWNRIDGE,
Clerk.

J. A. PHILLIP,
Mayor.

BILL

An Act respecting the Cornwall Street
Railway, Light & Power Company,
Limited.

1st Reading

February 18th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. BROWNIDGE

No. 6

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Owen Sound.

MR. PATTERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Owen Sound.

Preamble.

WHEREAS the Corporation of the City of Owen Sound has by its petition prayed for special legislation to establish a special reserve fund for use after the present war in respect of public works and to prohibit the practice known as "plumping" in municipal elections in the said city; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Right to
establish
reserve fund.

1. The council of the Corporation of the City of Owen Sound may in each year until the termination of the present war levy a sum, not exceeding such amount as is represented by one mill on the dollar of the whole rateable property liable to taxation for general purposes according to the last revised assessment roll, to be designated as a reserve fund for use after the war in providing necessary replacements of and improvements in public works; provided such sum does not cause an increase in the total tax rate in any year after 1942.

Voting.

2.—(1) An elector who votes shall vote once only for as many candidates for any office as there are offices to be filled, and once only for each of them.

Idem.

(2) In counting the votes deputy returning officers shall reject all ballot papers by which votes have been given for fewer candidates than are to be elected.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Owen Sound Act, 1942.*

BILL

An Act respecting the City of
Owen Sound.

1st Reading

2nd Reading

3rd Reading

MR. PATTERSON

(*Private Bill*)

No. 6

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Owen Sound.

MR. PATTERSON

*(Reprinted as amended by the Committee
on Private Bills.)*

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Owen Sound.

Preamble.

WHEREAS the Corporation of the City of Owen Sound has by its petition prayed for special legislation to establish a special reserve fund for use after the present war in respect of public works; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Right to
establish
reserve fund.

1. The council of the Corporation of the City of Owen Sound may, subject to the approval of the Ontario Municipal Board, in each year until the termination of the present war levy a sum, not exceeding such amount as is represented by one mill on the dollar of the whole rateable property liable to taxation for general purposes according to the last revised assessment roll, to be designated as a reserve fund for use after the war in providing necessary replacements of and improvements in public works; provided such sum does not cause an increase in the total tax rate in any year after 1942 and that the moneys levied under this section shall not be expended without the approval of the said Board.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Owen Sound Act, 1942.*

BILL

An Act respecting the City of
Owen Sound.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. PATTERSON

*(Reprinted as amended by the Committee
on Private Bills.)*

No. 6

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Owen Sound.

MR. PATTERSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 6

1942

BILL

An Act respecting the City of Owen Sound.

Preamble.

WHEREAS the Corporation of the City of Owen Sound has by its petition prayed for special legislation to establish a special reserve fund for use after the present war in respect of public works; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Right to
establish
reserve fund.

1. The council of the Corporation of the City of Owen Sound may, subject to the approval of the Ontario Municipal Board, in each year until the termination of the present war levy a sum, not exceeding such amount as is represented by one mill on the dollar of the whole rateable property liable to taxation for general purposes according to the last revised assessment roll, to be designated as a reserve fund for use after the war in providing necessary replacements of and improvements in public works; provided such sum does not cause an increase in the total tax rate in any year after 1942 and that the moneys levied under this section shall not be expended without the approval of the said Board.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Owen Sound Act, 1942.*

BILL

An Act respecting the City of
Owen Sound.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. PATTERSON

No. 7

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Stratford.

MR. DICKSON

((PRIVATE BILL))

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1942

BILL

An Act respecting the City of Stratford.

Preamble.

WHEREAS the Corporation of the City of Stratford has by its petition prayed for special legislation in respect of the purchase and management of the arena property hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
purchase
arena.

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the City of Stratford may purchase from The Stratford Arena Gardens Limited the artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises owned by the said company and used or employed in the making of artificial ice and all the real estate of the said company within the said city to provide facilities for recreation and sports and a forum for public gatherings.

By-law 3908
validated.

2. Subject to the approval of the Ontario Municipal Board, by-law number 3908 passed by the council of the Corporation of the City of Stratford on the 9th day of January, 1942, set out as Schedule A hereto, authorizing the issue of debentures for \$25,000 to purchase the said artificial ice plant and real estate and for the further sum of \$5,000 for improvements thereto, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Management
of arena.

3. The Board of Park Management for the City of Stratford may manage, regulate and control the said arena property.

By-law 3919
and agree-
ment
validated.

4. By-law Number 3919 passed by the council of the Corporation of the City of Stratford on the 12th day of January, 1942, set out as Schedule B hereto, authorizing an agreement between the said Corporation and the Board of Park Management for the City of Stratford to provide for the general management, regulation, control and financing of

the said property, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the agreement entered into pursuant to the authority of the said by-law number 3919, which forms part of the said Schedule B, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof and the said Board of Park Management.

Short title. **5.** This Act may be cited as *The City of Stratford Act, 1942*.

SCHEDULE A

BY-LAW NUMBER 3908

A by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford, and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate.

WHEREAS The Stratford Arena Gardens Limited has proposed to the Corporation of the City of Stratford that the Company will sell to the Corporation its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the sum of \$25,000.00;

AND WHEREAS it is deemed expedient for the said Corporation to purchase the said artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the purposes of the Corporation;

AND WHEREAS it is deemed expedient for the Corporation to expend the sum of \$5,000.00 for improvements to the said artificial ice plant and real estate in order to ensure the economical operation of the said artificial ice plant in the future;

AND WHEREAS it is necessary to obtain the assent of the electors qualified to vote upon money by-laws to authorize the corporation to borrow the said sum of \$25,000.00 to defray the purchase price thereof and the further sum of \$5,000.00 to pay for improvements thereon;

AND WHEREAS the amount of the whole rateable property of the Corporation, according to the last revised assessment roll, is \$13,649,325.00;

AND WHEREAS the amount of the debenture debt of the Corporation is \$1,759,714.06, no part of the principal or interest of which is in arrear;

AND WHEREAS it is expedient to borrow the total sum of \$30,000.00 and that is the amount of the debt intended to be created by this by-law.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Stratford as follows:—

1. That it shall be lawful for the Corporation of the City of Stratford to purchase from The Stratford Arena Gardens Limited its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company, at or for the price or sum of \$25,000.00.

2. That from and after the completion of the said purchase it shall be lawful for the said Corporation to hold and operate the said artificial ice plant and all the real estate of The Stratford Arena Gardens Limited within the City of Stratford for its own use and for the use of the inhabitants of the City of Stratford for any purpose for which the same may be used.

3. That in case the Corporation shall so purchase the said artificial ice plant and real estate from the said Company, it shall be a term of such purchase that the said Company shall have opened the building known as the Arena Gardens to the public at the usual time in the autumn season of the year 1941 and shall have continued to keep such Arena Gardens continuously open to the public and shall have maintained the said Arena

Gardens and the ice plant and distributing system in connection therewith in good operating condition.

4. For the purposes mentioned in the preamble, there shall be borrowed on the credit of the Corporation the sum of \$30,000.00 and there may be issued debentures therefor in respect of which, without combining the principal and interest, the instalments of principal in each year shall be for such amounts that with the interest in respect to the debt payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same, providing, however, that each instalment of principal shall be for an even \$100.00 or multiple thereof, and notwithstanding anything herein contained, such instalments of principal and interest may differ in amount sufficient to admit thereof; and all such debentures shall be payable within seven (7) years from the day upon which the same were issued.

5. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date within the said two years and shall be payable in the manner hereinbefore set forth and shall bear interest at the rate of Three (3%) per centum per annum payable annually, and the respective amounts payable in each of such years shall be as follows:—

Year	Instalment	Interest	Total
1	\$ 4,000.00	\$ 900.00	\$ 4,900.00
2	4,100.00	780.00	4,880.00
3	4,200.00	657.00	4,857.00
4	4,300.00	531.00	4,831.00
5	4,400.00	402.00	4,802.00
6	4,500.00	270.00	4,770.00
7	4,500.00	135.00	4,635.00
	<hr/> \$30,000.00	<hr/> \$3,675.00	<hr/> \$33,675.00

6. The debentures as to both principal and interest shall be expressed in Canadian currency and shall be payable at the office of the Treasurer of the City of Stratford.

7. The debentures shall be signed and issued by the Mayor and shall be signed by the Treasurer and shall be sealed with the Seal of the Corporation and the interest coupons shall be signed by the Treasurer.

8. During the currency of the debentures there shall be raised in each year the amount of annual instalment of principal and interest payable in such year as set forth in Section 5.

9. The debentures may contain any provision for the registration of them authorized by law.

THIS BY-LAW shall take effect on the day of the final passing thereof, subject to its being assented to by the electors and subject to the approval thereof by The Ontario Municipal Board.

FINALLY PASSED this Ninth day of January, A.D. 1942

(Sgd.) THOS. E. HENRY,
Mayor.

(Sgd.) W. H. DORLAND,
Clerk

SCHEDULE B

BY-LAW NUMBER 3919

A by-law to vest the general management, regulation and control of the Arena in the Board of Park Management for the City of Stratford and to authorize an agreement with the said Board.

WHEREAS By-law Number 3908 of the City of Stratford, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, was submitted on the First day of December, 1941, to the ratepayers entitled to vote on money by-laws and assented to by them;

AND WHEREAS the Council of the Corporation of the City of Stratford proposes to use the said property for the purpose of providing facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of Stratford;

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE the Council of the Corporation of the City of Stratford Enacts as follows:—

1. That the general management, regulation and control of the said Arena and artificial ice plant to be purchased from The Stratford Arena Gardens Limited be and it is hereby vested in the Board of Park Management for the City of Stratford.

2. That an agreement between the Corporation and the said Board (a copy of which is attached hereto and forms part of this by-law) shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement, and the Clerk is hereby authorized to affix the corporate seal.

PASSED this 12th day of January, A.D. 1942.

(Sgd.) THOS. E. HENRY,
Mayor.

(Corporate Seal)

(Sgd.) W. H. DORLAND,
Clerk

THIS AGREEMENT made the 12th day of January, A.D. 1942,

BETWEEN:

THE CORPORATION OF THE CITY OF STRATFORD, herein-
after called the "Corporation"

OF THE FIRST PART;

—and—

THE BOARD OF PARK MANAGEMENT OF THE CITY OF
STRATFORD, hereinafter called the "Board"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has passed By-law Number 3908, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of the Stratford Arena Gardens Limited, and all real estate of the Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, which was submitted on December 1st, 1941, to the votes of the electors entitled to vote on money by-laws and assented to by them, and proposes to use the arena and artificial ice plant to be so purchased for the purposes of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the Council proposes to vest the general management, regulation and control of the said Arena and artificial ice plant in the Board;

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures, and to purchase the said artificial ice plant and all real estate of the Stratford Arena Gardens Limited and for authority for the Board to manage, regulate and control the said Arena under the provisions of The Public Parks Act;

AND WHEREAS it is deemed expedient to enter into an agreement expressing the terms and conditions under which the said Arena and artificial ice plant is to be managed, regulated and controlled by the Board.

NOW THIS INDENTURE WITNESSETH that in consideration of the terms and of the covenants hereinafter set forth, the parties hereto covenant and agree as follows:—

1. The general management, regulation and control of the said artificial ice plant and all real estate to be purchased from the Stratford Arena Gardens Limited, hereinafter referred to as the "Arena" shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in The Public Parks Act, and the Board shall properly maintain the Arena and grounds thereof.

2. The Board shall fix and be entitled to charge and collect such rates, fees or amounts, as it may deem advisable for the use of or admission to the said Arena.

3. The said recited sum of \$5,000.000 for improvements shall be paid to the Treasurer of the Board and such sum shall be placed in a special fund to be known as "The Arena Improvement Fund" and such fund shall be used by the Board only for improvements to the Arena.

4. The fiscal year, for the purposes of the general management of the Arena, shall be from the First day of November until the succeeding 31st day of October.

5. The Board shall, until the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund

to provide for all future annual debenture charges, be entitled to retain in each year one-half of all revenue derived from the operation of the Arena by the Board over and above operating and maintenance expense, which shall not include a depreciation reserve, but not exceeding in amount the sum of \$2,000.00 at any time, and all such sums so retained by the Board shall be used by the Board for the purposes of the Board in connection with the general management of the said Arena, and the remaining portion of such revenue derived from the operation of the Arena by the Board shall be paid from time to time by the Board to the Treasurer of the City of Stratford and in full on or before the First day of January in the succeeding year, and such surpluses shall be applied by the said Treasurer on the payments required to meet the annual charges on the debentures issued pursuant to said By-law Number 3908.

6. In the event of the moneys paid over to the Treasurer, pursuant to Clause Number 5 hereof, exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Treasurer in a special fund, to be known as the "Arena Debenture Fund" for the purpose of providing for future annual debenture requirements.

7. In the event of the surplus revenue paid over to the Treasurer pursuant to Clause 5 hereof, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

8. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses in any year during the term of the said debentures, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

9. When and after the total cost of the debentures shall have been paid by the Board to the Corporation, or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

10. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore provided, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

11. When and after the total cost of the Debentures has been paid by the Board to the Corporation or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena.

12. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the total cost of the debentures has been paid by the Board to the Corporation or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all surplus moneys, if any, over and above operating and maintenance expenses retained by the Board shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

13. The Board shall not make any capital expenditure in connection with the said Arena beyond the said sum of \$5,000.00 known as "The Arena Improvement Fund", prior to payment off of the said debentures by the Corporation or the accumulation of an amount in the Arena

Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

14. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all surplus moneys accumulated by the Board from the operation of the Arena or in the Depreciation Reserve shall forthwith, upon a By-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation, but so long as the Board shall continue to operate the arena, the general management, regulation and control of the Arena shall be vested in the Board and the Arena shall be considered as belonging to and a part of the general park system of the City of Stratford.

15. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

16. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) L. R. GRAHAM,
as to signatures of Officials of the
Corporation of the City of Stratford.

(Sgd.) R. THOMAS ORR,
as to signatures of Officials of the
Board of Park Management for the
City of Stratford.

THE CORPORATION OF THE CITY
OF STRATFORD

(Sgd.) THOS. E. HENRY,
Mayor.
(Seal)

(Sgd.) W. H. DORLAND,
Clerk.

The Board of Park Management
for the City of Stratford.

(Sgd.) T. J. DOLAN,
Chairman.
(Seal)

(Sgd.) H. M. WILDGUST,
Secretary.
(Seal)

BILL

An Act respecting the City of Stratford.

1st Reading

2nd Reading

3rd Reading

MR. DICKSON

(Private Bill)

No. 7

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Stratford.

MR. DICKSON

*(Reprinted as amended by the Committee
on Private Bills.)*

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1942

BILL

An Act respecting the City of Stratford.

Preamble.

WHEREAS the Corporation of the City of Stratford has by its petition prayed for special legislation in respect of the purchase and management of the arena property hereinafter mentioned; and whereas the council of the said Corporation did on the 1st day of December, 1941, submit the matter to the electors of the said City qualified to vote on money by-laws and received the assent of such electors, 1260 having voted in favour and 704 against such purchase; and whereas it is expedient to grant the prayer of the said petition;

Power to
purchase
arena.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the City of Stratford may purchase from The Stratford Arena Gardens Limited the artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises owned by the said company and used or employed in the making of artificial ice and all the real estate of the said company within the said city to provide facilities for recreation and sports and a forum for public gatherings.

By-law 3908
validated.

2. Subject to the approval of the Ontario Municipal Board, by-law number 3908 passed by the council of the Corporation of the City of Stratford on the 9th day of January, 1942, set out as Schedule A hereto, authorizing the issue of debentures for \$25,000 to purchase the said artificial ice plant and real estate and for the further sum of \$5,000 for improvements thereto, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Management
of arena.

3. The Board of Park Management for the City of Stratford may manage, regulate and control the said arena property.

By-law 3919
and agree-
ment
validated.

4. By-law Number 3919 passed by the council of the Corporation of the City of Stratford on the 12th day of January, 1942, set out as Schedule B hereto, authorizing an agreement between the said Corporation and the Board of Park Management for the City of Stratford to provide for the general management, regulation, control and financing of the said property, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the agreement entered into pursuant to the authority of the said by-law number 3919, which forms part of the said Schedule B, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof and the said Board of Park Management.

Short title.

5. This Act may be cited as *The City of Stratford Act, 1942*.

SCHEDULE A

BY-LAW NUMBER 3908

A by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford, and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate.

WHEREAS The Stratford Arena Gardens Limited has proposed to the Corporation of the City of Stratford that the Company will sell to the Corporation its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the sum of \$25,000.00;

AND WHEREAS it is deemed expedient for the said Corporation to purchase the said artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the purposes of the Corporation;

AND WHEREAS it is deemed expedient for the Corporation to expend the sum of \$5,000.00 for improvements to the said artificial ice plant and real estate in order to ensure the economical operation of the said artificial ice plant in the future;

AND WHEREAS it is necessary to obtain the assent of the electors qualified to vote upon money by-laws to authorize the corporation to borrow the said sum of \$25,000.00 to defray the purchase price thereof and the further sum of \$5,000.00 to pay for improvements thereon;

AND WHEREAS the amount of the whole rateable property of the Corporation, according to the last revised assessment roll, is \$13,649,325.00;

AND WHEREAS the amount of the debenture debt of the Corporation is \$1,759,714.06, no part of the principal or interest of which is in arrear;

AND WHEREAS it is expedient to borrow the total sum of \$30,000.00 and that is the amount of the debt intended to be created by this by-law.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Stratford as follows:—

1. That it shall be lawful for the Corporation of the City of Stratford to purchase from The Stratford Arena Gardens Limited its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company, at or for the price or sum of \$25,000.00.

2. That from and after the completion of the said purchase it shall be lawful for the said Corporation to hold and operate the said artificial ice plant and all the real estate of The Stratford Arena Gardens Limited within the City of Stratford for its own use and for the use of the inhabitants of the City of Stratford for any purpose for which the same may be used.

3. That in case the Corporation shall so purchase the said artificial ice plant and real estate from the said Company, it shall be a term of such purchase that the said Company shall have opened the building known as the Arena Gardens to the public at the usual time in the autumn season of the year 1941 and shall have continued to keep such Arena Gardens continuously open to the public and shall have maintained the said Arena

Gardens and the ice plant and distributing system in connection therewith in good operating condition.

4. For the purposes mentioned in the preamble, there shall be borrowed on the credit of the Corporation the sum of \$30,000.00 and there may be issued debentures therefor in respect of which, without combining the principal and interest, the instalments of principal in each year shall be for such amounts that with the interest in respect to the debt payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same, providing, however, that each instalment of principal shall be for an even \$100.00 or multiple thereof, and notwithstanding anything herein contained, such instalments of principal and interest may differ in amount sufficient to admit thereof; and all such debentures shall be payable within seven (7) years from the day upon which the same were issued.

5. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date within the said two years and shall be payable in the manner hereinbefore set forth and shall bear interest at the rate of Three (3%) per centum per annum payable annually, and the respective amounts payable in each of such years shall be as follows:—

Year	Instalment	Interest	Total
1	\$ 4,000.00	\$ 900.00	\$ 4,900.00
2	4,100.00	780.00	4,880.00
3	4,200.00	657.00	4,857.00
4	4,300.00	531.00	4,831.00
5	4,400.00	402.00	4,802.00
6	4,500.00	270.00	4,770.00
7	4,500.00	135.00	4,635.00
	<hr/> \$30,000.00	<hr/> \$3,675.00	<hr/> \$33,675.00

6. The debentures as to both principal and interest shall be expressed in Canadian currency and shall be payable at the office of the Treasurer of the City of Stratford.

7. The debentures shall be signed and issued by the Mayor and shall be signed by the Treasurer and shall be sealed with the Seal of the Corporation and the interest coupons shall be signed by the Treasurer.

8. During the currency of the debentures there shall be raised in each year the amount of annual instalment of principal and interest payable in such year as set forth in Section 5.

9. The debentures may contain any provision for the registration of them authorized by law.

THIS BY-LAW shall take effect on the day of the final passing thereof, subject to its being assented to by the electors and subject to the approval thereof by The Ontario Municipal Board.

FINALLY PASSED this Ninth day of January, A.D. 1942

(Sgd.) THOS. E. HENRY,
Mayor.

(Sgd.) W. H. DORLAND,
Clerk

SCHEDULE B

BY-LAW NUMBER 3919

A by-law to vest the general management, regulation and control of the Arena in the Board of Park Management for the City of Stratford and to authorize an agreement with the said Board.

WHEREAS By-law Number 3908 of the City of Stratford, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, was submitted on the First day of December, 1941, to the ratepayers entitled to vote on money by-laws and assented to by them;

AND WHEREAS the Council of the Corporation of the City of Stratford proposes to use the said property for the purpose of providing facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of Stratford;

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE the Council of the Corporation of the City of Stratford Enacts as follows:—

1. That the general management, regulation and control of the said Arena and artificial ice plant to be purchased from The Stratford Arena Gardens Limited be and it is hereby vested in the Board of Park Management for the City of Stratford.

2. That an agreement between the Corporation and the said Board (a copy of which is attached hereto and forms part of this by-law) shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement, and the Clerk is hereby authorized to affix the corporate seal.

PASSED this 12th day of January, A.D. 1942.

(Sgd.) THOS. E. HENRY,
Mayor.

(Corporate Seal)

(Sgd.) W. H. DORLAND,
Clerk

THIS AGREEMENT made the 12th day of January, A.D. 1942,

BETWEEN:

THE CORPORATION OF THE CITY OF STRATFORD, herein-
after called the "Corporation"

OF THE FIRST PART;

—and—

THE BOARD OF PARK MANAGEMENT OF THE CITY OF
STRATFORD, hereinafter called the "Board"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has passed By-law Number 3908, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of the Stratford Arena Gardens Limited, and all real estate of the Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, which was submitted on December 1st, 1941, to the votes of the electors entitled to vote on money by-laws and assented to by them, and proposes to use the arena and artificial ice plant to be so purchased for the purposes of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the Council proposes to vest the general management, regulation and control of the said Arena and artificial ice plant in the Board;

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures, and to purchase the said artificial ice plant and all real estate of the Stratford Arena Gardens Limited and for authority for the Board to manage, regulate and control the said Arena under the provisions of The Public Parks Act;

AND WHEREAS it is deemed expedient to enter into an agreement expressing the terms and conditions under which the said Arena and artificial ice plant is to be managed, regulated and controlled by the Board.

NOW THIS INDENTURE WITNESSETH that in consideration of the terms and of the covenants hereinafter set forth, the parties hereto covenant and agree as follows:—

1. The general management, regulation and control of the said artificial ice plant and all real estate to be purchased from the Stratford Arena Gardens Limited, hereinafter referred to as the "Arena" shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in The Public Parks Act, and the Board shall properly maintain the Arena and grounds thereof.

2. The Board shall fix and be entitled to charge and collect such rates, fees or amounts, as it may deem advisable for the use of or admission to the said Arena.

3. The said recited sum of \$5,000.00 for improvements shall be paid to the Treasurer of the Board and such sum shall be placed in a special fund to be known as "The Arena Improvement Fund" and such fund shall be used by the Board only for improvements to the Arena.

4. The fiscal year, for the purposes of the general management of the Arena, shall be from the First day of November until the succeeding 31st day of October.

5. The Board shall, until the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund

to provide for all future annual debenture charges, be entitled to retain in each year one-half of all revenue derived from the operation of the Arena by the Board over and above operating and maintenance expense, which shall not include a depreciation reserve, but not exceeding in amount the sum of \$2,000.00 at any time, and all such sums so retained by the Board shall be used by the Board for the purposes of the Board in connection with the general management of the said Arena, and the remaining portion of such revenue derived from the operation of the Arena by the Board shall be paid from time to time by the Board to the Treasurer of the City of Stratford and in full on or before the First day of January in the succeeding year, and such surpluses shall be applied by the said Treasurer on the payments required to meet the annual charges on the debentures issued pursuant to said By-law Number 3908.

6. In the event of the moneys paid over to the Treasurer, pursuant to Clause Number 5 hereof, exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Treasurer in a special fund, to be known as the "Arena Debenture Fund" for the purpose of providing for future annual debenture requirements.

7. In the event of the surplus revenue paid over to the Treasurer pursuant to Clause 5 hereof, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

8. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses in any year during the term of the said debentures, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

9. When and after the total cost of the debentures shall have been paid by the Board to the Corporation, or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

10. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore provided, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

11. When and after the total cost of the Debentures has been paid by the Board to the Corporation or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena.

12. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the total cost of the debentures has been paid by the Board to the Corporation or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all surplus moneys, if any, over and above operating and maintenance expenses retained by the Board shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

13. The Board shall not make any capital expenditure in connection with the said Arena beyond the said sum of \$5,000.00 known as "The Arena Improvement Fund", prior to payment off of the said debentures by the Corporation or the accumulation of an amount in the Arena

Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

14. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all surplus moneys accumulated by the Board from the operation of the Arena or in the Depreciation Reserve shall forthwith, upon a By-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation, but so long as the Board shall continue to operate the arena, the general management, regulation and control of the Arena shall be vested in the Board and the Arena shall be considered as belonging to and a part of the general park system of the City of Stratford.

15. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

16. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) L. R. GRAHAM,
as to signatures of Officials of the
Corporation of the City of Stratford.

(Sgd.) R. THOMAS ORR,
as to signatures of Officials of the
Board of Park Management for the
City of Stratford.

THE CORPORATION OF THE CITY
OF STRATFORD

(Sgd.) THOS. E. HENRY,
Mayor.
(Seal)

(Sgd.) W. H. DORLAND,
Clerk.

The Board of Park Management
for the City of Stratford.

(Sgd.) T. J. DOLAN,
Chairman.
(Seal)

(Sgd.) H. M. WILDGUST,
Secretary.
(Seal)

BILL

An Act respecting the City of Stratford.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. DICKSON

*(Reprinted as amended by the Committee
on Private Bills.)*

No. 7

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Stratford.

MR. DICKSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1942

BILL

An Act respecting the City of Stratford.

Preamble.

WHEREAS the Corporation of the City of Stratford has by its petition prayed for special legislation in respect of the purchase and management of the arena property hereinafter mentioned; and whereas the council of the said Corporation did on the 1st day of December, 1941, submit the matter to the electors of the said City qualified to vote on money by-laws and received the assent of such electors, 1260 having voted in favour and 704 against such purchase; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
purchase
arena.

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the City of Stratford may purchase from The Stratford Arena Gardens Limited the artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises owned by the said company and used or employed in the making of artificial ice and all the real estate of the said company within the said city to provide facilities for recreation and sports and a forum for public gatherings.

By-law 3908
validated.

2. Subject to the approval of the Ontario Municipal Board, by-law number 3908 passed by the council of the Corporation of the City of Stratford on the 9th day of January, 1942, set out as Schedule A hereto, authorizing the issue of debentures for \$25,000 to purchase the said artificial ice plant and real estate and for the further sum of \$5,000 for improvements thereto, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

Management
of arena.

3. The Board of Park Management for the City of Stratford may manage, regulate and control the said arena property.

4. By-law Number 3919 passed by the council of the Corporation of the City of Stratford on the 12th day of January, 1942, set out as Schedule B hereto, authorizing an agreement between the said Corporation and the Board of Park Management for the City of Stratford to provide for the general management, regulation, control and financing of the said property, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the agreement entered into pursuant to the authority of the said by-law number 3919, which forms part of the said Schedule B, is hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof and the said Board of Park Management.

By-law 3919
and agree-
ment
validated.

5. This Act may be cited as *The City of Stratford Act, 1942*. Short title.

SCHEDULE A

BY-LAW NUMBER 3908

A by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford, and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate.

WHEREAS The Stratford Arena Gardens Limited has proposed to the Corporation of the City of Stratford that the Company will sell to the Corporation its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the sum of \$25,000.00;

AND WHEREAS it is deemed expedient for the said Corporation to purchase the said artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company for the purposes of the Corporation;

AND WHEREAS it is deemed expedient for the Corporation to expend the sum of \$5,000.00 for improvements to the said artificial ice plant and real estate in order to ensure the economical operation of the said artificial ice plant in the future;

AND WHEREAS it is necessary to obtain the assent of the electors qualified to vote upon money by-laws to authorize the corporation to borrow the said sum of \$25,000.00 to defray the purchase price thereof and the further sum of \$5,000.00 to pay for improvements thereon;

AND WHEREAS the amount of the whole rateable property of the Corporation, according to the last revised assessment roll, is \$13,649,325.00;

AND WHEREAS the amount of the debenture debt of the Corporation is \$1,759,714.06, no part of the principal or interest of which is in arrear;

AND WHEREAS it is expedient to borrow the total sum of \$30,000.00 and that is the amount of the debt intended to be created by this by-law.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Stratford as follows:—

1. That it shall be lawful for the Corporation of the City of Stratford to purchase from The Stratford Arena Gardens Limited its artificial ice plant, engines, motors, dynamos, tanks, boilers, condensers, implements, utensils and effects in or about the lands and premises used or employed in the making of artificial ice and all the real estate within the City of Stratford of the said Company, at or for the price or sum of \$25,000.00.

2. That from and after the completion of the said purchase it shall be lawful for the said Corporation to hold and operate the said artificial ice plant and all the real estate of The Stratford Arena Gardens Limited within the City of Stratford for its own use and for the use of the inhabitants of the City of Stratford for any purpose for which the same may be used.

3. That in case the Corporation shall so purchase the said artificial ice plant and real estate from the said Company, it shall be a term of such purchase that the said Company shall have opened the building known as the Arena Gardens to the public at the usual time in the autumn season of the year 1941 and shall have continued to keep such Arena Gardens continuously open to the public and shall have maintained the said Arena

Gardens and the ice plant and distributing system in connection therewith in good operating condition.

4. For the purposes mentioned in the preamble, there shall be borrowed on the credit of the Corporation the sum of \$30,000.00 and there may be issued debentures therefor in respect of which, without combining the principal and interest, the instalments of principal in each year shall be for such amounts that with the interest in respect to the debt payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same, providing, however, that each instalment of principal shall be for an even \$100.00 or multiple thereof, and notwithstanding anything herein contained, such instalments of principal and interest may differ in amount sufficient to admit thereof; and all such debentures shall be payable within seven (7) years from the day upon which the same were issued.

5. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date within the said two years and shall be payable in the manner hereinbefore set forth and shall bear interest at the rate of Three (3%) per centum per annum payable annually, and the respective amounts payable in each of such years shall be as follows:—

Year	Instalment	Interest	Total
1	\$ 4,000.00	\$ 900.00	\$ 4,900.00
2	4,100.00	780.00	4,880.00
3	4,200.00	657.00	4,857.00
4	4,300.00	531.00	4,831.00
5	4,400.00	402.00	4,802.00
6	4,500.00	270.00	4,770.00
7	4,500.00	135.00	4,635.00
	<u>\$30,000.00</u>	<u>\$3,675.00</u>	<u>\$33,675.00</u>

6. The debentures as to both principal and interest shall be expressed in Canadian currency and shall be payable at the office of the Treasurer of the City of Stratford.

7. The debentures shall be signed and issued by the Mayor and shall be signed by the Treasurer and shall be sealed with the Seal of the Corporation and the interest coupons shall be signed by the Treasurer.

8. During the currency of the debentures there shall be raised in each year the amount of annual instalment of principal and interest payable in such year as set forth in Section 5.

9. The debentures may contain any provision for the registration of them authorized by law.

THIS BY-LAW shall take effect on the day of the final passing thereof, subject to its being assented to by the electors and subject to the approval thereof by The Ontario Municipal Board.

FINALLY PASSED this Ninth day of January, A.D. 1942

(Sgd.) THOS. E. HENRY,
Mayor.

(Sgd.) W. H. DORLAND,
Clerk

SCHEDULE B

BY-LAW NUMBER 3919

A by-law to vest the general management, regulation and control of the Arena in the Board of Park Management for the City of Stratford and to authorize an agreement with the said Board.

WHEREAS By-law Number 3908 of the City of Stratford, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of The Stratford Arena Gardens Limited and all real estate of The Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, was submitted on the First day of December, 1941, to the ratepayers entitled to vote on money by-laws and assented to by them;

AND WHEREAS the Council of the Corporation of the City of Stratford proposes to use the said property for the purpose of providing facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the said Council proposes to vest the general management, regulation and control thereof in the Board of Park Management for the City of Stratford;

AND WHEREAS it is deemed expedient to enter into an agreement with the said Board.

NOW THEREFORE the Council of the Corporation of the City of Stratford Enacts as follows:—

1. That the general management, regulation and control of the said Arena and artificial ice plant to be purchased from The Stratford Arena Gardens Limited be and it is hereby vested in the Board of Park Management for the City of Stratford.

2. That an agreement between the Corporation and the said Board (a copy of which is attached hereto and forms part of this by-law) shall be and is hereby authorized.

3. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement, and the Clerk is hereby authorized to affix the corporate seal.

PASSED this 12th day of January, A.D. 1942.

(Sgd.) THOS. E. HENRY,
Mayor.

(Corporate Seal)

(Sgd.) W. H. DORLAND,
Clerk

THIS AGREEMENT made the 12th day of January, A.D. 1942,

BETWEEN:

THE CORPORATION OF THE CITY OF STRATFORD, herein-
after called the "Corporation"

OF THE FIRST PART;

—and—

THE BOARD OF PARK MANAGEMENT OF THE CITY OF
STRATFORD, hereinafter called the "Board"

OF THE SECOND PART.

WHEREAS the Council of the Corporation has passed By-law Number 3908, a by-law for borrowing the sum of \$25,000.00 to purchase the artificial ice plant of the Stratford Arena Gardens Limited, and all real estate of the Stratford Arena Gardens Limited within the City of Stratford and for borrowing the further sum of \$5,000.00 for improvements to the said artificial ice plant and the said real estate, which was submitted on December 1st, 1941, to the votes of the electors entitled to vote on money by-laws and assented to by them, and proposes to use the arena and artificial ice plant to be so purchased for the purposes of providing proper facilities for recreation and sports for the children, youth, industrial workers and citizens generally and a forum for public gatherings;

AND WHEREAS the Council proposes to vest the general management, regulation and control of the said Arena and artificial ice plant in the Board;

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said debentures, and to purchase the said artificial ice plant and all real estate of the Stratford Arena Gardens Limited and for authority for the Board to manage, regulate and control the said Arena under the provisions of The Public Parks Act;

AND WHEREAS it is deemed expedient to enter into an agreement expressing the terms and conditions under which the said Arena and artificial ice plant is to be managed, regulated and controlled by the Board.

NOW THIS INDENTURE WITNESSETH that in consideration of the terms and of the covenants hereinafter set forth, the parties hereto covenant and agree as follows:—

1. The general management, regulation and control of the said artificial ice plant and all real estate to be purchased from the Stratford Arena Gardens Limited, hereinafter referred to as the "Arena" shall be vested by the Corporation in and shall be exercised by the Board, and it shall be the duty of the said Board to manage, regulate and control the Arena in accordance with the terms of this agreement and the powers of the Board as provided in The Public Parks Act, and the Board shall properly maintain the Arena and grounds thereof.

2. The Board shall fix and be entitled to charge and collect such rates, fees or amounts, as it may deem advisable for the use of or admission to the said Arena.

3. The said recited sum of \$5,000.00 for improvements shall be paid to the Treasurer of the Board and such sum shall be placed in a special fund to be known as "The Arena Improvement Fund" and such fund shall be used by the Board only for improvements to the Arena.

4. The fiscal year, for the purposes of the general management of the Arena, shall be from the First day of November until the succeeding 31st day of October.

5. The Board shall, until the debentures have been paid or a sufficient amount shall have been accumulated in the Arena Debenture Fund

to provide for all future annual debenture charges, be entitled to retain in each year one-half of all revenue derived from the operation of the Arena by the Board over and above operating and maintenance expense, which shall not include a depreciation reserve, but not exceeding in amount the sum of \$2,000.00 at any time, and all such sums so retained by the Board shall be used by the Board for the purposes of the Board in connection with the general management of the said Arena, and the remaining portion of such revenue derived from the operation of the Arena by the Board shall be paid from time to time by the Board to the Treasurer of the City of Stratford and in full on or before the First day of January in the succeeding year, and such surpluses shall be applied by the said Treasurer on the payments required to meet the annual charges on the debentures issued pursuant to said By-law Number 3908.

6. In the event of the moneys paid over to the Treasurer, pursuant to Clause Number 5 hereof, exceeding, in any year, the amount required to pay the said debenture charges, the surplus shall be deposited by the Treasurer in a special fund, to be known as the "Arena Debenture Fund" for the purpose of providing for future annual debenture requirements.

7. In the event of the surplus revenue paid over to the Treasurer pursuant to Clause 5 hereof, including any amount that may have been accumulated in the Arena Debenture Fund, being insufficient, in any year, to provide for the annual debenture charges of that year, the Corporation shall raise in such year, in the general tax rates of the Corporation, a sum sufficient to make up the deficit.

8. In the event of there being a deficit in the operating revenue of the Arena after payment of the operating and maintenance expenses in any year during the term of the said debentures, such deficit shall be provided by the Corporation either by applying the money accumulated in the Arena Debenture Fund, if any, so far as it may go or by raising a sufficient amount in the annual rates.

9. When and after the total cost of the debentures shall have been paid by the Board to the Corporation, or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Board shall be entitled to retain any surplus revenue for the purposes of the Board in connection with the general management of the said Arena and for the purposes of its powers under the provisions of The Public Parks Act.

10. The Board shall be entitled, subject as hereinafter provided, to retain all revenues, after the said debenture charges have been met or provided for as hereinbefore provided, in addition to the Park Fund Rate provided for the purposes of the Board by The Public Parks Act.

11. When and after the total cost of the Debentures has been paid by the Board to the Corporation or a sufficient amount shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges the Board shall, out of any surplus revenue derived from the operation of the Arena, set aside a reserve to be called the Depreciation Reserve for the purposes of the Arena.

12. In the event of a deficit in operating revenue, after providing for operating and maintenance expense, occurring after the total cost of the debentures has been paid by the Board to the Corporation or a sufficient sum shall have been accumulated in the Arena Debenture Fund to provide for all future annual debenture charges, the Corporation shall not be required to raise such deficit in the annual rates or apply any moneys in the Arena Debenture Fund thereto until all surplus moneys, if any, over and above operating and maintenance expenses retained by the Board shall have been first exhausted and until all moneys, if any, set aside in the Depreciation Reserve shall have been secondly exhausted.

13. The Board shall not make any capital expenditure in connection with the said Arena beyond the said sum of \$5,000.00 known as "The Arena Improvement Fund", prior to payment off of the said debentures by the Corporation or the accumulation of an amount in the Arena

Debenture Fund sufficient for that purpose, without first having obtained the approval and consent of the Corporation expressed by resolution of the Council.

14. In the event of the Board refusing, failing or neglecting to operate the Arena, the Arena real property and all equipment and all surplus moneys accumulated by the Board from the operation of the Arena or in the Depreciation Reserve shall forthwith, upon a By-law for that purpose being passed by the said Council, revert to and be transferred to the Corporation, but so long as the Board shall continue to operate the arena, the general management, regulation and control of the Arena shall be vested in the Board and the Arena shall be considered as belonging to and a part of the general park system of the City of Stratford.

15. Notwithstanding anything contained in The Municipal Act, The Public Parks Act or any other general or private Act, the Corporation and the Board shall have all the powers necessary to the carrying out of the terms of this agreement and the provisions of The Public Parks Act shall apply *mutatis mutandis*, to the Board in the general management, regulation and control of the Arena and where the provisions of any public or private Act shall be in conflict with this agreement, the provisions of this agreement shall apply.

16. This agreement may be amended at any time and from time to time by mutual consent of the parties hereto, expressed by by-law of the Council and by resolution of the Board, provided such amendment receives the approval of The Ontario Municipal Board expressed by its order.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) L. R. GRAHAM,
as to signatures of Officials of the
Corporation of the City of Stratford.

(Sgd.) R. THOMAS ORR,
as to signatures of Officials of the
Board of Park Management for the
City of Stratford.

THE CORPORATION OF THE CITY
OF STRATFORD

(Sgd.) THOS. E. HENRY,
Mayor.
(Seal)

(Sgd.) W. H. DORLAND,
Clerk.

The Board of Park Management
for the City of Stratford.

(Sgd.) T. J. DOLAN,
Chairman.
(Seal)

(Sgd.) H. M. WILDGUST,
Secretary.
(Seal)



BILL

An Act respecting the City of Stratford.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. DICKSON

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Toronto Western Hospital.

MR. GLASS

(PRIVATE BILL)

BILL

An Act respecting The Toronto Western Hospital.

Preamble.

WHEREAS The Hospital has by its petition represented that it was incorporated by an Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, chaptered 118 and entitled *An Act to Incorporate The Toronto Western Hospital*; that by an Act passed in the first year of the reign of His late Majesty King Edward the Seventh and chaptered 110 certain of the provisions of the first mentioned Act were amended; that by an Act passed in the fourth year of the reign of His late Majesty King George the Fifth and chaptered 135 the above mentioned Acts were repealed, the corporation created by the first mentioned Act was continued and new provisions were made for the management, conduct and control of the Hospital; that by an Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117 Grace Hospital was amalgamated with the Hospital; that by reason of its growth it has been found desirable that certain changes should be made in the provisions affecting the management of the Hospital in order to enable it to carry out the aims and objects for which it was incorporated; and whereas the Hospital has by its petition prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition and enact such special legislation together with such of the existing special legislation of the Hospital as the Hospital desires to have re-enacted;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

Interpre-
tation.

1. In this Act,—

“Board.”

(a) “Board” shall mean the Board of Governors of The Toronto Western Hospital;

- "Hospital." (b) "Hospital" shall mean The Toronto Western Hospital; and
- "Corporation." (c) "Corporation" shall mean the corporation known as The Toronto Western Hospital.

CORPORATE BODY.

Incorporation continued.

2. The Corporation shall continue to be a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a corporate seal and may under that name sue and be sued, and shall have all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

Members of Corporation..

3. The Corporation shall be composed of the subscribers as hereinafter defined.

GOVERNMENT OF HOSPITAL.

Board to have management and control.

4.—(1) The Hospital and the property, revenues, business and affairs thereof shall continue to be under the government, management, conduct and control of the Board.

(2) The present life Governors shall be members of the Board for the terms of their respective lives.

(3) In addition to the life Governors there shall be two Governors appointed by the Lieutenant-Governor in Council and two by the council of the Corporation of the City of Toronto, herein referred to as appointed Governors. There may also be such further number of Governors, herein referred to as elected Governors, to be elected by the subscribers from among the subscribers as the Board may from time to time by resolution provide; provided that the Board shall consist of not less than ten members.

(4) The Board may from time to time appoint to life membership on the Board any member of the Corporation who on account of service on behalf of the Hospital shall be deemed worthy of such distinction and shall have contributed in the three years immediately preceding the coming into force of this Act, or shall hereafter contribute, in one sum, not less than \$2,000 to the funds of the Hospital.

(5) The members of the Board in office at the time of the coming into force of this Act shall hold office for the remainder of the term for which they were elected and until their successors are chosen.

Term of
office of
Governors.

5.—(1) The Governors hereafter appointed by the council of the Corporation of the City of Toronto shall hold office for one year and until their successors are appointed.

(2) The Governors hereafter appointed by the Lieutenant-Governor in Council shall hold office for three years and until their successors are appointed.

(3) Elected Governors shall hold office until the next annual meeting of the subscribers for the election of elected Governors.

Reappoint-
ment.

6. A Governor whose term of office has expired shall be eligible for reappointment or re-election as the case may be.

Members of
medical
staffs not
eligible as
Governors.

Rev. Stat.,
c. 390.

7. Except as provided in *The Public Hospitals Act* and the regulations thereunder from time to time in force, no member of the Medical and Surgical Staff (referred to in this Act as "the Medical Staff") of the Hospital shall hereafter be eligible for appointment or election as a Governor and if a Governor accepts or occupies a position on the Medical Staff or if any member of the Board goes to reside out of Ontario or becomes mentally ill or otherwise incapable of acting as a member of the Board he shall *ipso facto* vacate his office as a member of the Board and a declaration of the existence of the vacancy entered upon the minutes of the Board by the direction of the Board shall be conclusive evidence thereof.

Vacancies.

8.—(1) When a vacancy occurs from any cause among the appointed Governors it shall be filled by the body possessing power to appoint and the person appointed to fill the vacancy shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

(2) When a vacancy occurs from any cause among the elected Governors or if the subscribers at the annual meeting fail to elect the full number of elected Governors which they may be then entitled to elect, the vacancy or vacancies may be filled by such Governors as remain in office and any person appointed under the provisions of this subsection shall hold office until the next annual meeting for the election of elected Governors.

Quorum.

9. Five members shall constitute a quorum of the Board.

ELECTION OF GOVERNORS BY SUBSCRIBERS.

Meetings of
subscribers
for election
of
Governors.

10.—(1) The annual meeting of the subscribers for the election of such number of elected Governors as the subscribers may be entitled to elect, in the place of retiring elected Governors shall be held between the first day of January and the last day of April on a date to be determined by the Board.

(2) The annual meeting of the subscribers for the election of elected Governors shall be held at the Hospital at such hour as the Board by resolution appoints. The Secretary of the Board shall give notice of such annual meeting and such notice shall be deemed to have been well and sufficiently given if mailed at least ten days prior to the holding of such annual meeting in a prepaid letter addressed to each subscriber who in the ten years immediately preceding the calling of such meeting has subscribed \$2,000 or upwards and to each subscriber who in the year immediately preceding the calling of such meeting has subscribed \$100 or upwards to the funds of the Hospital at his address as the same appears on the books of the hospital but no accidental or unintentional failure to mail such notice to any subscriber or subscribers shall invalidate any proceedings at such meeting.

(3) The president of the Board, or in his absence, a vice-president or a person elected by the meeting, shall preside at any meeting of subscribers and the secretary shall act as the secretary of the meeting and shall produce a certified list of the subscribers as of the date of the calling of the meeting with a statement of the amount of each subscription, and such list shall be open to public inspection.

(4) The election of Governors shall be by ballot taken by two or more scrutineers appointed by the Chairman of the meeting.

(5) At all meetings of subscribers each subscriber of record on the date of the calling of the meeting shall be entitled to vote in person or by proxy under an instrument of proxy executed under his hand and given to a subscriber entitled to vote at such meeting.

(6) An instrument of proxy shall be valid for one year only.

(7) In case of an equality of votes as to any matter other than the election of Governors the chairman shall have a casting vote.

(8) In case of an election if there shall be an equality of

votes between two or more persons which leaves the election of one or more Governors undecided, the scrutineers shall forthwith put in a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of Governors, and the persons whose names are upon the papers so drawn shall be the Governors elected.

(9) Two subscribers present in person shall constitute a quorum at all meetings of subscribers.

EXECUTIVE COMMITTEE.

Executive
Committee.

11. The Board may elect from its own members an Executive Committee of not less than five members and may from time to time delegate to such Executive Committee such of the powers of the Board as the Board shall see fit, but all or any of such powers shall be subject to withdrawal from the Executive Committee by the Board at any time. The Executive Committee may make such Rules and Regulations as to the calling and holding of meetings and the quorum necessary for a meeting as shall be approved by the Board and subject to any alterations as the Board shall from time to time decide. Immediately after each Executive Committee meeting, a copy of the minutes shall be mailed to each Governor and at every meeting of the Board the minutes of the meetings of the Executive Committee held since the then last meeting of the Board shall be laid on the table.

Other
committees.

12. The Board may elect from its own members such committees as it may from time to time determine. Each such committee shall have such power and authority as shall from time to time be delegated to it by the Board.

POWERS OF GOVERNORS.

Power to
accept
grants, de-
vise, etc.,
of real and
personal
property.

13.—(1) The Board may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects for the use, support or purposes of the Hospital and without license in mortmain and in their discretion may sell or dispose of the same.

(2) No real property or interest therein vested in the Corporation and used for hospital purposes shall be liable

to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

Property
exempt
from
taxation.

14. The buildings and land of and attached to or otherwise *bona fide* used in connection with and for the purpose of the Hospital, so long as such buildings and land are actually used and occupied for the purpose of the Hospital and the personal property of the Hospital shall be exempt from all taxation including school rates and taxes.

Limitation
of actions.

15. All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Corporation in respect of land vested in the Corporation.

Borrowing
Powers.

16.—(1) The Board may from time to time borrow for the purposes of the Hospital such sums as may in their opinion be required for the purposes of the Hospital and may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation, and may issue debentures for any money borrowed, in such sums at such rate of interest, and subject to subsection 2, for such period as the Board may deem expedient; provided that no moneys or trust securities given, devised or bequeathed to the Hospital by way of endowment for the purposes of the Hospital, shall be charged, hypothecated, mortgaged or pledged for the purpose of obtaining credit or receiving funds in any manner without the approval of the Lieutenant-Governor in Council.

(2) No such debentures shall be issued for a longer period than forty years, and the interest shall be payable yearly, half-yearly or quarterly.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

Investment
of funds.

17. The Board may invest in such securities as may be deemed advisable all money that may at any time come into its hands for the use and support of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing; provided that no investment shall be made

Rev. Stat.,
c. 165.

in any security not authorized by *The Trustee Act* without the approval of the Lieutenant-Governor in Council.

Board may
erect hos-
pital
buildings.

18. Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the Hospital upon such site or sites as the Board may deem proper.

EXECUTION OF DOCUMENTS.

Execution of
documents.

19.—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Corporation and shall be signed by such person or persons thereto authorized from time to time by by-law or resolution of the Board.

Idem.

(2) All cheques, promissory notes, drafts and other negotiable instruments shall be signed by such person or persons as may from time to time be thereto authorized by by-law or resolution of the Board.

BY-LAWS.

General
powers of
Board.

20.—(1) The Board may from among its members elect one or more honorary presidents, a president, and one or more vice-presidents.

(2) The Board shall appoint and may remove a secretary, a treasurer, a general superintendent and his assistants and clerks, and all other officers and servants of the Board. No person shall be disqualified to hold any of the said offices by reason of his being a member of the Board.

(3) The Board may enact by-laws and regulations not contrary to law or to this Act for the management of the Hospital and for fixing all salaries and wages and for regulating the composition of the Hospital staff, their number and duties and the conduct in all other particulars of the affairs of the Corporation and may from time to time revoke, amend or vary any of the provisions of the said by-laws and regulations.

(4) Such by-laws and regulations and all revocations, amendments or variations of any of the provisions of the same shall be laid before the Lieutenant-Governor in Council within thirty days after the same have been enacted and shall not come into force until approved by him.

PATRONS, VISITORS AND SUBSCRIBERS.

Patrons.

21.—(1) Every individual who has heretofore donated to the funds of the Hospital or to the funds of Grace Hospital referred to in the Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117, and every individual who shall hereafter donate to the funds of the Hospital \$1,000 or upwards, shall be a patron of the Hospital.

Visitors.

(2) The patrons shall be visitors of the Hospital.

Subscribers.

22. Every individual who has heretofore donated to the funds of the Hospital or to the funds of said Grace Hospital, and every individual who shall hereafter donate to the funds of the Hospital, \$100 or upwards, shall be a subscriber and shall be entitled to one vote at each and every meeting of the subscribers for each and every \$100 contributed by him but except as herein before provided shall not be entitled to notice of meetings.

PAYING PATIENTS.

Paying patients.

23. The Board shall allow every patient occupying regular private or semi private accommodation and paying sufficient to cover all the cost to the Board of his maintenance and support while in the Hospital to employ his own physician subject to the regulations of the Board.

CITY PATIENTS.

City patients.
Rev. Stat.,
c. 390.

24. Except as otherwise provided by *The Public Hospitals Act* and the Regulations thereunder from time to time in force the Board shall afford accommodation as far as possible to patients sent into the Hospital on the order of the Corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon and subject to such regulations as the Board may by by-law or resolution prescribe.

THE MEDICAL STAFF.

Medical Staff.

25. There shall not hereafter be a Hospital Staff as defined in the said Act passed in the fourth year of the reign of His late Majesty King George the Fifth, chaptered 135, but there shall be for the purposes of the Hospital a Medical Staff consisting of physicians and surgeons. The composition and number of the Medical Staff, the term of office and the duties and privileges of the members thereof shall be determined and regulated by the Board. The Board may from time to

time appoint members to, and at their pleasure, remove members from the said Medical Staff. Until otherwise ordered by the Board, the persons who on the day when this Act comes into force are members of the said Hospital Staff shall be members of the Medical Staff.

Medical
Staff Advisory
Committee.

26. (1) There shall be a Medical and Surgical Advisory Committee composed of such members of the Medical Staff as the by-laws or regulations of the Hospital may from time to time provide.

(2) The duties of the Committee shall be such as the by-laws or regulations of the Hospital may from time to time provide.

(3) The Committee shall meet when requested by the Board and at such other times as the Committee may determine and the Committee may make such rules as may be necessary for constituting and establishing the order of the Committee's meetings.

(4) A record of each meeting shall be kept in a book specially provided for the purpose, which book shall constitute one of the records of the Hospital.

STATEMENTS TO GOVERNMENT.

Returns to
Lieut.-
Governor
in Council.

27. In addition to the returns required by any other Act the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital.

ACTS REPEALED.

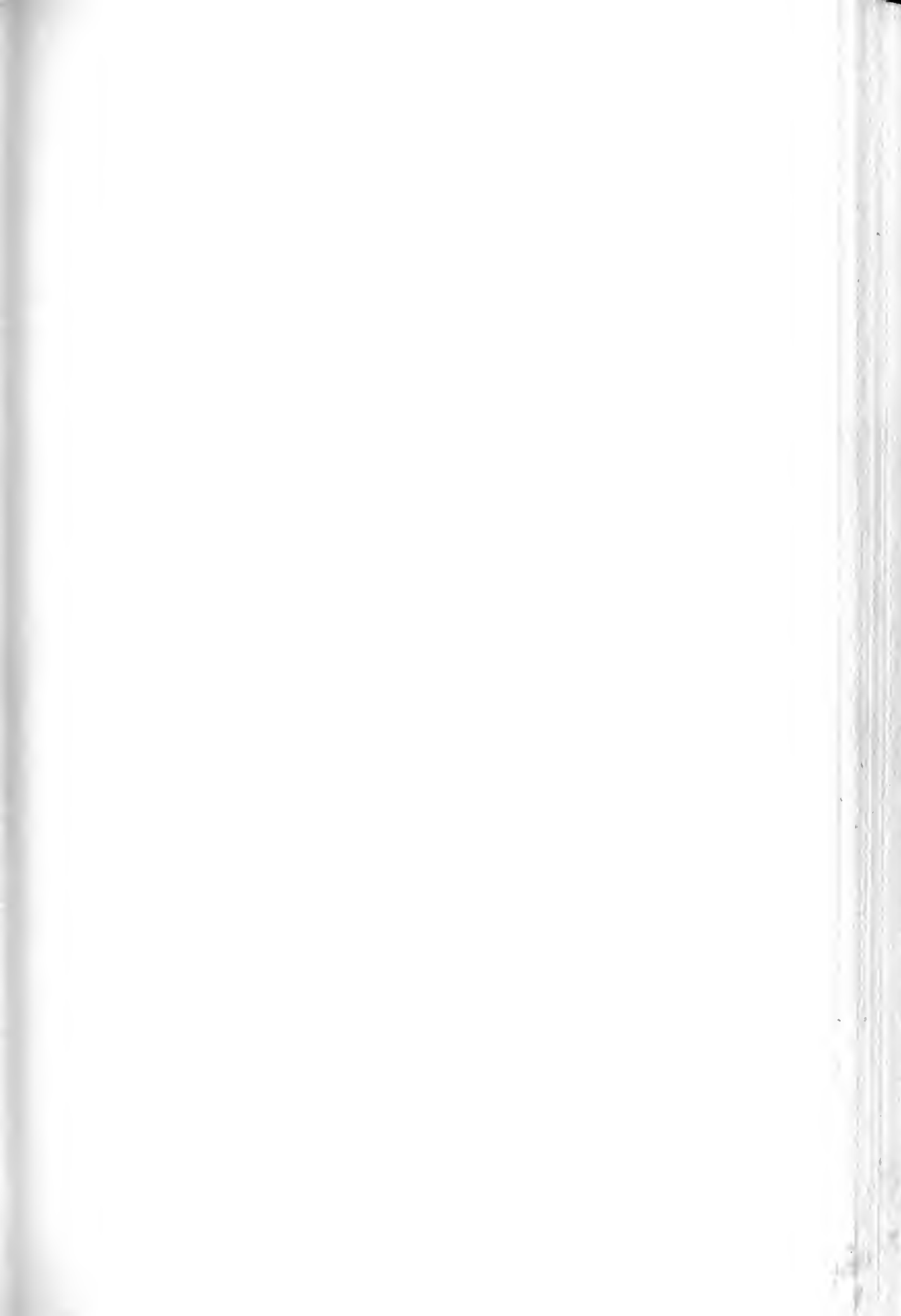
1914, c. 135;
1926,
c. 117, s. 7,
repealed.

28. Chapter 135 of the Acts passed in the fourth year of the reign of His late Majesty King George the Fifth and section 7 of Chapter 117 of the Acts passed in the sixteenth year of the reign of His late Majesty King George the Fifth are hereby repealed.

SHORT TITLE.

Short title.

29. This Act may be cited as *The Toronto Western Hospital Act, 1942*.



BILL

An Act respecting The Toronto
Western Hospital.

1st Reading

2nd Reading

3rd Reading

MR. GLASS

(*Private Bill*)

No. 8

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Toronto Western Hospital.

MR. GLASS

*(Reprinted as amended by the Committee
on Private Bills.)*

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Toronto Western Hospital.

Preamble.

WHEREAS The Hospital has by its petition represented that it was incorporated by an Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, chaptered 118 and entitled *An Act to Incorporate The Toronto Western Hospital*; that by an Act passed in the first year of the reign of His late Majesty King Edward the Seventh and chaptered 110 certain of the provisions of the first mentioned Act were amended; that by an Act passed in the fourth year of the reign of His late Majesty King George the Fifth and chaptered 135 the above mentioned Acts were repealed, the corporation created by the first mentioned Act was continued and new provisions were made for the management, conduct and control of the Hospital; that by an Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117 Grace Hospital was amalgamated with the Hospital; that by reason of its growth it has been found desirable that certain changes should be made in the provisions affecting the management of the Hospital in order to enable it to carry out the aims and objects for which it was incorporated; and whereas the Hospital has by its petition prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition and enact such special legislation together with such of the existing special legislation of the Hospital as the Hospital desires to have re-enacted;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

Interpre-
tation.

1. In this Act,—

"Board."

(a) "Board" shall mean the Board of Governors of The Toronto Western Hospital;

- "Hospital." (b) "Hospital" shall mean The Toronto Western Hospital; and
- "Corporation." (c) "Corporation" shall mean the corporation known as The Toronto Western Hospital.

CORPORATE BODY.

Incorporation continued.

2. The Corporation shall continue to be a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a corporate seal and may under that name sue and be sued, and shall have all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

Members of Corporation..

3. The Corporation shall be composed of the subscribers as hereinafter defined.

GOVERNMENT OF HOSPITAL.

Board to have management and control.

4.—(1) The Hospital and the property, revenues, business and affairs thereof shall continue to be under the government, management, conduct and control of the Board.

(2) The present life Governors shall be members of the Board for the terms of their respective lives.

(3) In addition to the life Governors there shall be two Governors appointed by the Lieutenant-Governor in Council and two by the council of the Corporation of the City of Toronto, herein referred to as appointed Governors. There may also be such further number of Governors, herein referred to as elected Governors, to be elected by the subscribers from among the subscribers as the Board may from time to time by resolution provide; provided that the Board shall consist of not less than ten members.

(4) The Board may from time to time appoint to life membership on the Board any member of the Corporation who on account of service on behalf of the Hospital shall be deemed worthy of such distinction and shall have contributed in the three years immediately preceding the coming into force of this Act, or shall hereafter contribute, in one sum, not less than \$2,000 to the funds of the Hospital.

(5) The members of the Board in office at the time of the coming into force of this Act shall hold office for the remainder of the term for which they were elected and until their successors are chosen.

Term of
office of
Governors.

5.—(1) The Governors hereafter appointed by the council of the Corporation of the City of Toronto shall hold office for one year and until their successors are appointed.

(2) The Governors hereafter appointed by the Lieutenant-Governor in Council shall hold office for three years and until their successors are appointed.

(3) Elected Governors shall hold office until the next annual meeting of the subscribers for the election of elected Governors.

Reappoint-
ment.

6. A Governor whose term of office has expired shall be eligible for reappointment or re-election as the case may be.

Members of
medical
staffs not
eligible as
Governors.

Rev. Stat.,
c. 390.

7. Except as provided in *The Public Hospitals Act* and the regulations thereunder from time to time in force, no member of the Medical Staff of the Hospital shall hereafter be eligible for appointment or election as a Governor and if a Governor accepts or occupies a position on the Medical Staff or if any member of the Board goes to reside out of Ontario or becomes mentally ill or otherwise incapable of acting as a member of the Board he shall *ipso facto* vacate his office as a member of the Board and a declaration of the existence of the vacancy entered upon the minutes of the Board by the direction of the Board shall be conclusive evidence thereof.

Vacancies.

8.—(1) When a vacancy occurs from any cause among the appointed Governors it shall be filled by the body possessing power to appoint and the person appointed to fill the vacancy shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

(2) When a vacancy occurs from any cause among the elected Governors or if the subscribers at the annual meeting fail to elect the full number of elected Governors which they may be then entitled to elect, the vacancy or vacancies may be filled by such Governors as remain in office and any person appointed under the provisions of this subsection shall hold office until the next annual meeting for the election of elected Governors.

Quorum.

9. Five members shall constitute a quorum of the Board.

ELECTION OF GOVERNORS BY SUBSCRIBERS.

Meetings of
subscribers
for election
of
Governors.

10.—(1) The annual meeting of the subscribers for the election of such number of elected Governors as the subscribers may be entitled to elect, in the place of retiring elected Governors shall be held between the first day of January and the last day of April on a date to be determined by the Board.

(2) The annual meeting of the subscribers for the election of elected Governors shall be held at the Hospital at such hour as the Board by resolution appoints. The Secretary of the Board shall give notice of such annual meeting and such notice shall be deemed to have been well and sufficiently given if mailed at least ten days prior to the holding of such annual meeting in a prepaid letter addressed to each subscriber who in the ten years immediately preceding the calling of such meeting has subscribed \$2,000 or upwards and to each subscriber who in the year immediately preceding the calling of such meeting has subscribed \$100 or upwards to the funds of the Hospital at his address as the same appears on the books of the hospital but no accidental or unintentional failure to mail such notice to any subscriber or subscribers shall invalidate any proceedings at such meeting:

(3) The president of the Board, or in his absence, a vice-president or a person elected by the meeting, shall preside at any meeting of subscribers and the secretary shall act as the secretary of the meeting and shall produce a certified list of the subscribers as of the date of the calling of the meeting with a statement of the amount of each subscription, and such list shall be open to public inspection.

(4) The election of Governors shall be by ballot taken by two or more scrutineers appointed by the Chairman of the meeting.

(5) At all meetings of subscribers each subscriber of record on the date of the calling of the meeting shall be entitled to vote in person or by proxy under an instrument of proxy executed under his hand and given to a subscriber entitled to vote at such meeting.

(6) An instrument of proxy shall be valid for one year only.

(7) In case of an equality of votes as to any matter other than the election of Governors the chairman shall have a casting vote.

(8) In case of an election if there shall be an equality of

votes between two or more persons which leaves the election of one or more Governors undecided, the scrutineers shall forthwith put in a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of Governors, and the persons whose names are upon the papers so drawn shall be the Governors elected.

(9) Two subscribers present in person shall constitute a quorum at all meetings of subscribers.

EXECUTIVE COMMITTEE.

Executive
Committee.

11. The Board may elect from its own members an Executive Committee of not less than five members and may from time to time delegate to such Executive Committee such of the powers of the Board as the Board shall see fit, but all or any of such powers shall be subject to withdrawal from the Executive Committee by the Board at any time. The Executive Committee may make such Rules and Regulations as to the calling and holding of meetings and the quorum necessary for a meeting as shall be approved by the Board and subject to any alterations as the Board shall from time to time decide. Immediately after each Executive Committee meeting, a copy of the minutes shall be mailed to each Governor and at every meeting of the Board the minutes of the meetings of the Executive Committee held since the then last meeting of the Board shall be laid on the table.

Other
committees.

12. The Board may elect from its own members such committees as it may from time to time determine. Each such committee shall have such power and authority as shall from time to time be delegated to it by the Board.

POWERS OF GOVERNORS.

Power to
accept
grants, de-
vises, etc.,
of real and
personal
property.

13.—(1) The Board may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects for the use, support or purposes of the Hospital and without license in mortmain and in their discretion may sell or dispose of the same.

(2) No real property or interest therein vested in the Corporation and used for hospital purposes shall be liable

to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

Property
exempt
from
taxation.

14. The buildings and land of and attached to or otherwise *bona fide* used in connection with and for the purpose of the Hospital, so long as such buildings and land are actually used and occupied for the purpose of the Hospital and the personal property of the Hospital shall be exempt from all taxation including school rates and taxes.

Limitation
of actions.

15. All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Corporation in respect of land vested in the Corporation.

Borrowing
Powers.

16.—(1) The Board may from time to time borrow for the purposes of the Hospital such sums as may in their opinion be required for the purposes of the Hospital and may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation, and may issue debentures for any money borrowed, in such sums at such rate of interest, and subject to subsection 2, for such period as the Board may deem expedient; provided that no moneys or trust securities given, devised or bequeathed to the Hospital by way of endowment for the purposes of the Hospital, shall be charged, hypothecated, mortgaged or pledged for the purpose of obtaining credit or receiving funds in any manner without the approval of the Lieutenant-Governor in Council.

(2) No such debentures shall be issued for a longer period than forty years, and the interest shall be payable yearly, half-yearly or quarterly.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

Investment
of funds.

17. The Board may invest in such securities as may be deemed advisable all money that may at any time come into its hands for the use and support of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing; provided that no investment shall be made

Rev. Stat.,
c. 165.

in any security not authorized by *The Trustee Act* without the approval of the Lieutenant-Governor in Council.

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18. Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the Hospital upon such site or sites as the Board may deem proper.

EXECUTION OF DOCUMENTS.

Execution of
documents.

19.—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Corporation and shall be signed by such person or persons thereto authorized from time to time by by-law or resolution of the Board.

Idem.

(2) All cheques, promissory notes, drafts and other negotiable instruments shall be signed by such person or persons as may from time to time be thereto authorized by by-law or resolution of the Board.

BY-LAWS.

General
powers of
Board.

20.—(1) The Board may from among its members elect one or more honorary presidents, a president, and one or more vice-presidents.

(2) The Board shall appoint and may remove a secretary, a treasurer, a general superintendent and his assistants and clerks, and all other officers and servants of the Board. No person shall be disqualified to hold any of the said offices by reason of his being a member of the Board.

(3) The Board may enact by-laws and regulations not contrary to law or to this Act to regulate the management of the Hospital and the conduct in all other particulars of the affairs of the Corporation and may from time to time revoke, amend or vary any of the provisions of the said by-laws and regulations.

(4) Such by-laws and regulations and all revocations, amendments or variations of any of the provisions of the same shall be laid before the Lieutenant-Governor in Council within thirty days after the same have been enacted and shall not come into force until approved by him.

PATRONS, VISITORS AND SUBSCRIBERS.

Patrons.

21.—(1) Every individual who has heretofore donated to the funds of the Hospital or to the funds of Grace Hospital referred to in the Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117, and every individual who shall hereafter donate to the funds of the Hospital \$1,000 or upwards, shall be a patron of the Hospital.

Visitors.

(2) The patrons shall be visitors of the Hospital.

Subscribers.

22. Every individual who has heretofore donated to the funds of the Hospital or to the funds of said Grace Hospital, and every individual who shall hereafter donate to the funds of the Hospital, \$100 or upwards, shall be a subscriber and shall be entitled to one vote at each and every meeting of the subscribers for each and every \$100 contributed by him but except as herein before provided shall not be entitled to notice of meetings.

PAYING PATIENTS.

Paying patients.

23. The Board shall allow every patient occupying regular private or semi private accommodation and paying sufficient to cover all the cost to the Board of his maintenance and support while in the Hospital to employ his own physician subject to the regulations of the Board.

CITY PATIENTS.

City patients.

Rev. Stat.,
c. 390.

24. Except as otherwise provided by *The Public Hospitals Act* and the Regulations thereunder from time to time in force the Board shall afford accommodation as far as possible to patients sent into the Hospital on the order of the Corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon and subject to such regulations as the Board may by by-law or resolution prescribe.

THE MEDICAL STAFF.

Medical Staff.

25. There shall not hereafter be a Hospital Staff as defined in the said Act passed in the fourth year of the reign of His late Majesty King George the Fifth, chaptered 135, but there shall be for the purposes of the Hospital a Medical Staff consisting of physicians and surgeons. The composition and number of the Medical Staff, the term of office and the duties and privileges of the members thereof shall be determined and regulated by the Board. The Board may from time to

time appoint members to, and at their pleasure, remove members from the said Medical Staff. Until otherwise ordered by the Board, the persons who on the day when this Act comes into force are members of the said Hospital Staff shall be members of the Medical Staff.

Medical
Staff Advis-
ory
Committee.

26.—(1) There shall be a Medical and Surgical Advisory Committee composed of such members of the Medical Staff as the by-laws or regulations of the Hospital may from time to time provide.

(2) The duties of the Committee shall be such as the by-laws or regulations of the Hospital may from time to time provide.

(3) The Committee shall meet when requested by the Board and at such other times as the Committee may determine and the Committee may make such rules as may be necessary for constituting and establishing the order of the Committee's meetings.

(4) A record of each meeting shall be kept in a book specially provided for the purpose, which book shall constitute one of the records of the Hospital.

STATEMENTS TO GOVERNMENT.

Returns to
Lieut.-
Governor
in Council.

27. In addition to the returns required by any other Act the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital.

ACTS REPEALED.

1914, c. 135;
1926,
c. 117, s. 7,
repealed.

28. Chapter 135 of the Acts passed in the fourth year of the reign of His late Majesty King George the Fifth and section 7 of Chapter 117 of the Acts passed in the sixteenth year of the reign of His late Majesty King George the Fifth are hereby repealed.

SHORT TITLE.

Short title.

29. This Act may be cited as *The Toronto Western Hospital Act, 1942*.

BILL

An Act respecting The Toronto
Western Hospital.

1st Reading

February 18th, 1942

2nd Reading

3rd Reading

MR. GLASS

*(Reprinted as amended by the Committee
on Private Bills.)*

No. 8

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Toronto Western Hospital.

MR. GLASS

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act respecting The Toronto Western Hospital.

Preamble.

WHEREAS The Hospital has by its petition represented that it was incorporated by an Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, chaptered 118 and entitled *An Act to Incorporate The Toronto Western Hospital*; that by an Act passed in the first year of the reign of His late Majesty King Edward the Seventh and chaptered 110 certain of the provisions of the first mentioned Act were amended; that by an Act passed in the fourth year of the reign of His late Majesty King George the Fifth and chaptered 135 the above mentioned Acts were repealed, the corporation created by the first mentioned Act was continued and new provisions were made for the management, conduct and control of the Hospital; that by an Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117 Grace Hospital was amalgamated with the Hospital; that by reason of its growth it has been found desirable that certain changes should be made in the provisions affecting the management of the Hospital in order to enable it to carry out the aims and objects for which it was incorporated; and whereas the Hospital has by its petition prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition and enact such special legislation together with such of the existing special legislation of the Hospital as the Hospital desires to have re-enacted;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

Interpre-
tation.

1. In this Act,—

“Board.”

(a) “Board” shall mean the Board of Governors of The Toronto Western Hospital;

- (b) "Hospital" shall mean The Toronto Western Hospital; "Hospital." and
- (c) "Corporation" shall mean the corporation known as "Corporation." The Toronto Western Hospital.

CORPORATE BODY.

2. The Corporation shall continue to be a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a corporate seal and may under that name sue and be sued, and shall have all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

3. The Corporation shall be composed of the subscribers as hereinafter defined.

GOVERNMENT OF HOSPITAL.

4.—(1) The Hospital and the property, revenues, business and affairs thereof shall continue to be under the government, management, conduct and control of the Board.

(2) The present life Governors shall be members of the Board for the terms of their respective lives.

(3) In addition to the life Governors there shall be two Governors appointed by the Lieutenant-Governor in Council and two by the council of the Corporation of the City of Toronto, herein referred to as appointed Governors. There may also be such further number of Governors, herein referred to as elected Governors, to be elected by the subscribers from among the subscribers as the Board may from time to time by resolution provide; provided that the Board shall consist of not less than ten members.

(4) The Board may from time to time appoint to life membership on the Board any member of the Corporation who on account of service on behalf of the Hospital shall be deemed worthy of such distinction and shall have contributed in the three years immediately preceding the coming into force of this Act, or shall hereafter contribute, in one sum, not less than \$2,000 to the funds of the Hospital.

(5) The members of the Board in office at the time of the coming into force of this Act shall hold office for the remainder of the term for which they were elected and until their successors are chosen.

Term of
office of
Governors.

5.—(1) The Governors hereafter appointed by the council of the Corporation of the City of Toronto shall hold office for one year and until their successors are appointed.

(2) The Governors hereafter appointed by the Lieutenant-Governor in Council shall hold office for three years and until their successors are appointed.

(3) Elected Governors shall hold office until the next annual meeting of the subscribers for the election of elected Governors.

Reappoint-
ment.

6. A Governor whose term of office has expired shall be eligible for reappointment or re-election as the case may be.

Members of
medical
staffs not
eligible as
Governors.

Rev. Stat.,
c. 390.

7. Except as provided in *The Public Hospitals Act* and the regulations thereunder from time to time in force, no member of the Medical Staff of the Hospital shall hereafter be eligible for appointment or election as a Governor and if a Governor accepts or occupies a position on the Medical Staff or if any member of the Board goes to reside out of Ontario or becomes mentally ill or otherwise incapable of acting as a member of the Board he shall *ipso facto* vacate his office as a member of the Board and a declaration of the existence of the vacancy entered upon the minutes of the Board by the direction of the Board shall be conclusive evidence thereof.

Vacancies.

8.—(1) When a vacancy occurs from any cause among the appointed Governors it shall be filled by the body possessing power to appoint and the person appointed to fill the vacancy shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

(2) When a vacancy occurs from any cause among the elected Governors or if the subscribers at the annual meeting fail to elect the full number of elected Governors which they may be then entitled to elect, the vacancy or vacancies may be filled by such Governors as remain in office and any person appointed under the provisions of this subsection shall hold office until the next annual meeting for the election of elected Governors.

Quorum.

9. Five members shall constitute a quorum of the Board.

ELECTION OF GOVERNORS BY SUBSCRIBERS.

10.—(1) The annual meeting of the subscribers for the election of such number of elected Governors as the subscribers may be entitled to elect, in the place of retiring elected ^{Meetings of subscribers for election of} Governors shall be held between the first day of January and the last day of April on a date to be determined by the Board.

(2) The annual meeting of the subscribers for the election of elected Governors shall be held at the Hospital at such hour as the Board by resolution appoints. The Secretary of the Board shall give notice of such annual meeting and such notice shall be deemed to have been well and sufficiently given if mailed at least ten days prior to the holding of such annual meeting in a prepaid letter addressed to each subscriber who in the ten years immediately preceding the calling of such meeting has subscribed \$2,000 or upwards and to each subscriber who in the year immediately preceding the calling of such meeting has subscribed \$100 or upwards to the funds of the Hospital at his address as the same appears on the books of the hospital but no accidental or unintentional failure to mail such notice to any subscriber or subscribers shall invalidate any proceedings at such meeting.

(3) The president of the Board, or in his absence, a vice-president or a person elected by the meeting, shall preside at any meeting of subscribers and the secretary shall act as the secretary of the meeting and shall produce a certified list of the subscribers as of the date of the calling of the meeting with a statement of the amount of each subscription, and such list shall be open to public inspection.

(4) The election of Governors shall be by ballot taken by two or more scrutineers appointed by the Chairman of the meeting.

(5) At all meetings of subscribers each subscriber of record on the date of the calling of the meeting shall be entitled to vote in person or by proxy under an instrument of proxy executed under his hand and given to a subscriber entitled to vote at such meeting.

(6) An instrument of proxy shall be valid for one year only.

(7) In case of an equality of votes as to any matter other than the election of Governors the chairman shall have a casting vote.

(8) In case of an election if there shall be an equality of

votes between two or more persons which leaves the election of one or more Governors undecided, the scrutineers shall forthwith put in a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of Governors, and the persons whose names are upon the papers so drawn shall be the Governors elected.

(9) Two subscribers present in person shall constitute a quorum at all meetings of subscribers.

EXECUTIVE COMMITTEE.

Executive
Committee

11. The Board may elect from its own members an Executive Committee of not less than five members and may from time to time delegate to such Executive Committee such of the powers of the Board as the Board shall see fit, but all or any of such powers shall be subject to withdrawal from the Executive Committee by the Board at any time. The Executive Committee may make such Rules and Regulations as to the calling and holding of meetings and the quorum necessary for a meeting as shall be approved by the Board and subject to any alterations as the Board shall from time to time decide. Immediately after each Executive Committee meeting, a copy of the minutes shall be mailed to each Governor and at every meeting of the Board the minutes of the meetings of the Executive Committee held since the then last meeting of the Board shall be laid on the table.

Other
committees.

12. The Board may elect from its own members such committees as it may from time to time determine. Each such committee shall have such power and authority as shall from time to time be delegated to it by the Board.

POWERS OF GOVERNORS.

Power to
accept
grants, de-
vises, etc.,
of real and
personal
property.

13.—(1) The Board may in its discretion receive and take in the name of the Corporation from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects for the use, support or purposes of the Hospital and without license in mortmain and in their discretion may sell or dispose of the same.

(2) No real property or interest therein vested in the Corporation and used for hospital purposes shall be liable

to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

14. The buildings and land of and attached to or otherwise *bona fide* used in connection with and for the purpose of the Hospital, so long as such buildings and land are actually used and occupied for the purpose of the Hospital and the personal property of the Hospital shall be exempt from all taxation including school rates and taxes. Property exempt from taxation.

15. All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Corporation in respect of land vested in the Corporation. Limitation of actions.

16.—(1) The Board may from time to time borrow for the purposes of the Hospital such sums as may in their opinion be required for the purposes of the Hospital and may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation, and may issue debentures for any money borrowed, in such sums at such rate of interest, and subject to subsection 2, for such period as the Board may deem expedient; provided that no moneys or trust securities given, devised or bequeathed to the Hospital by way of endowment for the purposes of the Hospital, shall be charged, hypothecated, mortgaged or pledged for the purpose of obtaining credit or receiving funds in any manner without the approval of the Lieutenant-Governor in Council. Borrowing Powers.

(2) No such debentures shall be issued for a longer period than forty years, and the interest shall be payable yearly, half-yearly or quarterly.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

17. The Board may invest in such securities as may be deemed advisable all money that may at any time come into its hands for the use and support of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing; provided that no investment shall be made Investment of funds.

Rev. Stat.,
c. 165. in any security not authorized by *The Trustee Act* without the approval of the Lieutenant-Governor in Council.

Board may
erect hos-
pital
buildings.

18. Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the Hospital upon such site or sites as the Board may deem proper.

EXECUTION OF DOCUMENTS.

Execution of
documents.

19.—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Corporation and shall be signed by such person or persons thereto authorized from time to time by by-law or resolution of the Board.

Idem.

(2) All cheques, promissory notes, drafts and other negotiable instruments shall be signed by such person or persons as may from time to time be thereto authorized by by-law or resolution of the Board.

BY-LAWS.

General
powers of
Board.

20.—(1) The Board may from among its members elect one or more honorary presidents, a president, and one or more vice-presidents.

(2) The Board shall appoint and may remove a secretary, a treasurer, a general superintendent and his assistants and clerks, and all other officers and servants of the Board. No person shall be disqualified to hold any of the said offices by reason of his being a member of the Board.

(3) The Board may enact by-laws and regulations not contrary to law or to this Act to regulate the management of the Hospital and the conduct in all other particulars of the affairs of the Corporation and may from time to time revoke, amend or vary any of the provisions of the said by-laws and regulations.

(4) Such by-laws and regulations and all revocations, amendments or variations of any of the provisions of the same shall be laid before the Lieutenant-Governor in Council within thirty days after the same have been enacted and shall not come into force until approved by him.

PATRONS, VISITORS AND SUBSCRIBERS.

21.—(1) Every individual who has heretofore donated ^{Patrons.} to the funds of the Hospital or to the funds of Grace Hospital referred to in the Act passed in the sixteenth year of the reign of His late Majesty King George the Fifth and chaptered 117, and every individual who shall hereafter donate to the funds of the Hospital \$1,000 or upwards, shall be a patron of the Hospital.

(2) The patrons shall be visitors of the Hospital. ^{Visitors.}

22. Every individual who has heretofore donated to the ^{Subscribers.} funds of the Hospital or to the funds of said Grace Hospital, and every individual who shall hereafter donate to the funds of the Hospital, \$100 or upwards, shall be a subscriber and shall be entitled to one vote at each and every meeting of the subscribers for each and every \$100 contributed by him but except as herein before provided shall not be entitled to notice of meetings.

PAYING PATIENTS.

23. The Board shall allow every patient occupying regular ^{Paying patients.} private or semi private accommodation and paying sufficient to cover all the cost to the Board of his maintenance and support while in the Hospital to employ his own physician subject to the regulations of the Board.

CITY PATIENTS.

24. Except as otherwise provided by *The Public Hospitals* ^{City patients.} Act and the Regulations thereunder from time to time in force the Board shall afford accommodation as far as possible ^{Rev. Stat., c. 390.} to patients sent into the Hospital on the order of the Corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon and subject to such regulations as the Board may by by-law or resolution prescribe.

THE MEDICAL STAFF.

25. There shall not hereafter be a Hospital Staff as defined ^{Medical Staff.} in the said Act passed in the fourth year of the reign of His late Majesty King George the Fifth, chaptered 135, but there shall be for the purposes of the Hospital a Medical Staff consisting of physicians and surgeons. The composition and number of the Medical Staff, the term of office and the duties and privileges of the members thereof shall be determined and regulated by the Board. The Board may from time to

time appoint members to, and at their pleasure, remove members from the said Medical Staff. Until otherwise ordered by the Board, the persons who on the day when this Act comes into force are members of the said Hospital Staff shall be members of the Medical Staff.

Medical
Staff Advis-
ory
Committee.

26.—(1) There shall be a Medical and Surgical Advisory Committee composed of such members of the Medical Staff as the by-laws or regulations of the Hospital may from time to time provide.

(2) The duties of the Committee shall be such as the by-laws or regulations of the Hospital may from time to time provide.

(3) The Committee shall meet when requested by the Board and at such other times as the Committee may determine and the Committee may make such rules as may be necessary for constituting and establishing the order of the Committee's meetings.

(4) A record of each meeting shall be kept in a book specially provided for the purpose, which book shall constitute one of the records of the Hospital.

STATEMENTS TO GOVERNMENT.

Returns to
Lieut.-
Governor
in Council.

27. In addition to the returns required by any other Act the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital.

ACTS REPEALED.

1914, c. 135;
1926,
c. 117, s. 7,
repealed.

28. Chapter 135 of the Acts passed in the fourth year of the reign of His late Majesty King George the Fifth and section 7 of Chapter 117 of the Acts passed in the sixteenth year of the reign of His late Majesty King George the Fifth are hereby repealed.

SHORT TITLE.

Short title.

29. This Act may be cited as *The Toronto Western Hospital Act, 1942.*

BILL

An Act respecting The Toronto
Western Hospital.

1st Reading

February 18th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. GLASS

No. 9

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Vineland Growers' Co-operative, Limited.

MR. ANDERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9

1942

BILL

An Act respecting Vineland Growers' Co-operative,
Limited.

Preamble.

WHEREAS Vineland Growers Cooperative, Limited, a company incorporated under *The Ontario Companies Act* by Letters Patent dated the 20th day of November, 1913, hereinafter called "the Company", has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Part XII of
Companies
Act to apply
to Company.
Rev. Stat.,
c. 251.

1. The Company shall be subject to the provisions of Part XII of *The Companies Act* and the following provisions shall be deemed to apply and to have always applied to the Company,—

- (a) that no member shall have more than one vote; and
- (b) that no member shall vote by proxy; and
- (c) that the surplus funds arising from the business of the Company shall be distributed annually as follows:
 - (i) Payment of interest on the paid-up capital at a rate not exceeding eight per centum per annum;
 - (ii) Division of the remaining net surplus funds among the members in proportion to the volume of business which they have done with or through the company;
 - (iii) Where such surplus does not exceed one per centum of the year's gross business said distribution may be deferred by resolution of the company.

Provision
for valida-
tion of
by-laws.

2. Notwithstanding that the by-laws of the Company have not been filed in the office of the Provincial Secretary as required by the Letters Patent of the Company, such by-laws shall be deemed to have always been and to be valid upon the Company filing in the office of the Provincial Secretary a certified copy of every such by-law.

Letters
Patent
amended.

3. The Letters Patent of the Company are hereby amended by striking out clauses *a* to *k* commencing with the words "AND I DECLARE (*a*) That the by-laws of the Company," and ending with the words "any by-laws of the Company notwithstanding."

Name of
Company
changed.

4. The name of the Company is hereby changed to "Vineland Growers' Co-operative, Limited".

Short title.

5. This Act may be cited as *The Vineland Growers' Co-operative, Limited Act, 1942*.

BILL

An Act respecting Vineland Growers'
Co-operative, Limited.

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(*Private Bill*)

No. 9

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Vineland Growers' Co-operative, Limited.

MR. ANDERSON

TORONTO
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1942

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Part XII of
Companies
Act to apply
to Company.
Rev. Stat.,
c. 251.

1. The Company shall be subject to the provisions of Part XII of *The Companies Act* and the following provisions shall be deemed to apply and to have always applied to the Company,—

- (a) that no member shall have more than one vote; and
- (b) that no member shall vote by proxy; and
- (c) that the surplus funds arising from the business of the Company shall be distributed annually as follows:
 - (i) Payment of interest on the paid-up capital at a rate not exceeding eight per centum per annum;
 - (ii) Division of the remaining net surplus funds among the members in proportion to the volume of business which they have done with or through the company;
 - (iii) Where such surplus does not exceed one per centum of the year's gross business said distribution may be deferred by resolution of the company.

2. Notwithstanding that the by-laws of the Company have not been filed in the office of the Provincial Secretary as required by the Letters Patent of the Company, such by-laws shall be deemed to have always been and to be valid upon the Company filing in the office of the Provincial Secretary a certified copy of every such by-law.

Provision
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Letters
Patent
amended.

4. The name of the Company is hereby changed to "Vineland Growers' Co-operative, Limited".

Name of
Company
changed.

5. This Act may be cited as *The Vineland Growers' Co-operative, Limited Act, 1942*.

Short title.

BILL

An Act respecting Vineland Growers' Co-operative, Limited.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. ANDERSON

No. 10

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Ottawa Boys' Clubs.

MR. DUNBAR

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 10

1942

BILL

An Act respecting the Ottawa Boys' Clubs.

Preamble.

WHEREAS the Ottawa Boys' Clubs, Incorporated, of the City of Ottawa has by its petition prayed for special legislation in respect of the exemption from taxation of the lands and premises owned or occupied by the said Corporation in the City of Ottawa or elsewhere in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands
exempt from
taxation.

1. The lands and premises owned or occupied by the Ottawa Boys' Clubs Incorporated, in the City of Ottawa, in the County of Carleton, and elsewhere in the Province of Ontario, shall, so long as the same are owned and occupied by and used for the purposes of the Corporation, be and the same are hereby declared to be and to have been exempt from taxation, for municipal, school or collegiate institute purposes, other than water and local improvement rates.

Commence-
ment of Act,
retroactive
to January
1st, 1942.

Rev. Stat.,
c. 272.

2. Notwithstanding anything to the contrary in *The Assessment Act*, or any assessment made in respect of the lands and premises mentioned in section 1 by any municipality, this Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect on and after the 1st day of January, 1942.

Short title.

3. This Act may be cited as *The Ottawa Boys' Clubs Act, 1942*.

BILL

An Act respecting the Ottawa
Boys' Clubs.

1st Reading

2nd Reading

3rd Reading

MR. DUNBAR

(Private Bill)

No. 10

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Ottawa Boys' Clubs.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 10

1942

BILL

An Act respecting the Ottawa Boys' Clubs.

Preamble.

WHEREAS the Ottawa Boys' Clubs, Incorporated, of the City of Ottawa has by its petition prayed for special legislation in respect of the exemption from taxation of the lands and premises owned or occupied by the said Corporation in the City of Ottawa or elsewhere in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands
exempt from
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1. The lands and premises owned or occupied by the Ottawa Boys' Clubs Incorporated, in the City of Ottawa, in the County of Carleton, and elsewhere in the Province of Ontario, shall, so long as the same are owned and occupied by and used for the purposes of the Corporation, be and the same are hereby declared to be and to have been exempt from taxation, for municipal, school or collegiate institute purposes, other than water and local improvement rates.

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ment of Act,
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c. 272.

2. Notwithstanding anything to the contrary in *The Assessment Act*, or any assessment made in respect of the lands and premises mentioned in section 1 by any municipality, this Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect on and after the 1st day of January, 1942.

Short title.

3. This Act may be cited as *The Ottawa Boys' Clubs Act, 1942*.

BILL

An Act respecting the Ottawa
Boys' Clubs.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. DUNBAR

No. 11

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

**An Act respecting the Township of Cornwall and Cornwall Chemicals
Limited.**

MR. BROWNRIDGE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Cornwall
and Cornwall Chemicals Limited.

Preamble.

WHEREAS the Corporation of the Township of Cornwall in the County of Stormont hereinafter called the Corporation has by its petition represented that on the 23rd day of January, 1942, the Corporation entered into an agreement with Cornwall Chemicals Limited, a body corporate having its head office at the City of Montreal in the Province of Quebec, hereinafter called the Company, whereby the Company agreed to establish within the municipality a factory for the manufacture of some of its products and for such purpose to build certain buildings, expend certain moneys and employ certain operatives, and the Corporation agreed to fix the assessment of the lands and buildings of the Company at the sum of one thousand dollars for a period of ten years from the first day of January, 1942; and that the Corporation by its by-law number 1459 for the year 1942 authorized and empowered the reeve and clerk of the Corporation to execute the said agreement and affix the corporate seal thereto; and that the establishment of the said industry within the municipality will be of great advantage to the Corporation; and whereas the Corporation has by its petition prayed that an Act may be passed validating the said by-law and the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
1459-1942
and Cornwall
Chemicals
Limited
agreement
validated.

1.—(1) Subject to the provisions of subsection 2, by-law number 1459 of the Corporation of the Township of Cornwall for the year 1942, set forth as Schedule A hereto and the agreement therein referred to between the said Corporation and Cornwall Chemicals Limited set forth as Schedule B hereto, are hereby ratified and confirmed and declared to be valid and binding upon the Corporation of the Township of Cornwall and the ratepayers thereof and Cornwall Chemicals Limited.

School and
local im-
provement
rates not
affected.

(2) Nothing in this Act or in the said by-law or agreement shall affect or apply to taxation for school purposes or local improvements.

Short title.

2. This Act may be cited as *The Township of Cornwall Act, 1942*.

SCHEDULE A

BY-LAW No. 1459

OF

THE TOWNSHIP OF CORNWALL IN THE
COUNTY OF STORMONT, FOR THE YEAR 1942.

A by-law fixing the assessment upon the property of Cornwall Chemicals Limited in the Township of Cornwall for a period of ten years and authorizing the execution of an agreement between the said Company and the said Corporation in respect thereof.

WHEREAS the Corporation of the Township of Cornwall has entered into an agreement dated the 19th day of January, 1942, to fix the assessment and taxes on all lands, buildings, machinery and plant including business assessment of Cornwall Chemicals Limited for a period of ten years as set out in said agreement and upon the terms, provisoes and conditions in the said agreement contained;

AND WHEREAS it is necessary to authorize the Reeve and Clerk of the Corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto;

BE IT THEREFORE ENACTED a by-law of the Corporation of the Township of Cornwall and it is hereby enacted that the Reeve and Clerk be and they are hereby authorized and empowered to sign and seal with the corporate seal of the Township of Cornwall the said agreement with the said Cornwall Chemicals Limited bearing date the 19th day of January, 1942.

AND IT IS HEREBY FURTHER ENACTED that the said agreement with the said Cornwall Chemicals Limited shall not come into operation or take effect until the same is ratified, confirmed and validated as provided by the Statutes in that behalf.

Passed in open Council, signed and sealed this Nineteenth day of January, A.D. 1942.

(Sgd.) V. A. McDONALD,
Clerk.

(Sgd.) J. L. McDONALD,
Reeve.
(Seal)

SCHEDULE B

MEMORANDUM OF AGREEMENT entered into in Duplicate on the 23rd day of January, One thousand nine hundred and forty-two,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CORNWALL,
County of Stormont, Province of Ontario,

PARTY OF THE FIRST PART,

—and—

CORNWALL CHEMICALS LIMITED, a body politic and corporate, having its head office and place of business in the City and District of Montreal,

PARTY OF THE SECOND PART.

WHEREAS the part of the Second Part is proceeding with the erection of a plant in the said Township of Cornwall for the manufacture of some of its products; and

WHEREAS the parties hereto have agreed that the said plant would be erected on that part of lot Number Thirteen in the First Concession of the Township of Cornwall, more particularly hereinafter described; and

WHEREAS the establishment of the said plant in the Township of Cornwall will be of great benefit to the Township of Cornwall;

NOW THEREFORE the parties hereto mutually covenant and agree as follows:

1. That the said party of the Second Part is establishing a plant in the said Township of Cornwall for the manufacture of some of its products on a parcel of land situate in the Township of Cornwall, in the County of Stormont and being that part hereinafter described of the east and west halves of Lot Thirteen (13) in the First Concession of the said Township:—

Commencing at a point on the western boundary of Brookdale Avenue (side road between Lots Numbers Thirteen (13) and Twelve (12) in the said First Concession, which point is distant fourteen hundred and seventy-four feet (1,474') measured in a direction north thirty-one degrees forty minutes west (N. 31° 40' W.) from the intersection of the northern boundary of King's Highway No. 2 and the western boundary of said Brookdale Avenue; thence north thirty-one degrees forty minutes west (N. 31° 40' W.), a distance of ninety feet (90'); thence south fifty-eight degrees twenty minutes west (S. 58° 20' W.), a distance of six hundred and eighty-five feet (685'); thence south thirty-one degrees forty minutes east (S. 31° 40' E.), a distance of sixty feet (60'); Thence south fifty-eight degrees twenty minutes west (S. 58° 20' W.), a distance of two hundred feet (200'); thence south thirty-one degrees forty minutes east (S. 31° 40' E.), a distance of two hundred and three feet (203'); thence north fifty-eight degrees twenty minutes east (N. 58° 20' E.), a distance of eight hundred and sixty-five feet (865'); thence north thirty-one degrees forty minutes west (N. 31° 40' W.), a distance of one hundred and seventy-three feet (173'); thence north fifty-eight degrees twenty minutes east (N. 58° 20' E.), a distance of twenty feet (20') to the point of commencement; the said parcel of land containing approximately four and ninety-eight hundredths (4.98) acres, more or less, and being shown outlined in red on the annexed plan.

2. That the said party of the Second Part shall expend at least Three

Hundred Thousand Dollars (\$300,000) in the erection of such plant on the said lands and the installation of machinery therein, and at least nine men will originally be engaged in the operation of the said plant.

3. That all general taxes or assessments to be levied by the party of the First Part on the said lands and all buildings, including accessories, erected thereon (other than the assessment for school purposes and for local improvements) shall, for a period of Ten (10) years from the First day of January, One Thousand nine hundred and forty-two, be based upon a fixed assessment of the said lands and buildings including business assessment of One Thousand Dollars (\$1,000.00).

Notwithstanding the said fixed assessment and partial exemption from taxation granted to the said party of the Second Part by this agreement, the said lands and buildings shall be annually assessed during the said period of ten years and the taxes rated thereon for all purposes shall be duly entered on the collector's roll from year to year during the said term; nevertheless such rated taxes, including business taxes but excluding local improvement rates and taxation for school purposes, shall not be collected during any year of the said period of ten years, nor any greater part of the said annual assessment than the sum hereinbefore fixed shall be used for the levy of taxes unless the Company shall have made default in the terms, provisos and conditions of this agreement or any of them, and in the event of such default the whole of such rated taxes for the year in which said default occurs shall immediately become due and payable and may be collected by the party of the First Part as if this agreement had not been made but the party of the Second Part shall not be subjected to any other penalty in respect of such default.

6. The said party of the Second Part shall insure its buildings on the said lands and in the event of all the said buildings being burned and not rebuilt or if the said party of the Second Part should cease to carry on business on the said lands except as a result of any wartime orders or regulations enacted by Governmental authorities, the provision for a fixed assessment under this agreement shall cease to be operative and the property of the said party of the Second Part shall be assessed at its assessable value.

5. It is further understood and agreed that this fixed assessment shall not apply to any of the above described lands or buildings leased or sold to any other person or corporation, unless such corporation shall be Canadian Industries Limited or a wholly-owned subsidiary of the party of the Second Part.

6. If at any time hereafter the said party of the First Part desires to pass a by-law granting a fixed assessment in respect of a branch of an industry the same as or of a nature similar to the one to be carried on by the party of the Second Part, the said party of the Second Part as evidenced by its execution of these presents hereby consents to the granting of such fixed assessment and no further or other consent requisite under The Bonus Limitation Act, The Municipal Act or amendments thereto shall be deemed to be necessary but in any event the party of the Second Part agrees to execute such consent if required by the party of the First Part.

7. That the said party of the First Part will pass the necessary by-law to give effect to this agreement.

8. The said party of the Second Part shall be allowed to use the sewer facilities already installed to serve the plant of Canadian Industries Limited and leading from the King's Highway to and into the culvert under the Cornwall Canal.

9. That this agreement shall not be binding on any of the parties

hereto until the said by-law has been ratified by the Legislative Assembly for Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

THE CORPORATION OF THE
TOWNSHIP OF CORNWALL.

(Sgd.) J. L. McDONALD,
Reeve.
(Seal)
(Sgd.) V. A. McDONALD,
Clerk.

CORNWALL CHEMICALS LIMITED.

(Sgd.) L. W. HASLETT,
President.
(Seal)
(Sgd.) RUSSELL SMITH,
Secretary.

BILL

An Act respecting the Township of
Cornwall and Cornwall Chemicals
Limited.

1st Reading

2nd Reading

3rd Reading

MR. BROWNIDGE

(Private Bill)

No. 12

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Village of Port McNicoll.

MR. DREW

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Village of Port McNicoll.

Preamble.

WHEREAS the Corporation of the Village of Port McNicoll has prayed that an Act may be passed annexing to the said Village certain lands in the Township of Tay in the County of Simcoe; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation
of lands
to Port
McNicol.

1. The lands described in Schedule A are hereby annexed to and shall form part of the Village of Port McNicoll and shall cease to form part of the Township of Tay, and the inhabitants of the said lands shall be deemed to be inhabitants of the said Village.

Taxation.

2. The last revised assessment made by the assessor of the Township of Tay of the lands described in Schedule A shall be the assessment for the year 1942, and the said lands shall for all municipal purposes including the payment of taxes be deemed to be part of the Village of Port McNicoll for the year 1942 and thereafter.

Power to
establish
park.

3. The council of the Village of Port McNicoll may, subject to the approval of the Ontario Municipal Board, by by-law establish a public park upon the lands or any part thereof described in Schedule A.

Disposal
of lands.

4. The council of the Village of Port McNicoll may by by-law sell and dispose of such part of the lands described in Schedule A as may not be required for municipal purposes.

Short title.

5. This Act may be cited as *The Village of Port McNicoll Act, 1942*.

SCHEDULE A

All those certain tracts and parcels of land and premises situate, lying and being in the Township of Tay in the County of Simcoe and Province of Ontario, and being composed of Lots Numbers 51 to 234 inclusive, Lots Numbers 275 to 458 inclusive, Lots Numbers 514 to 601 inclusive, and Blocks "A" and "B" and that part of Cottage Grove Avenue north of the centre line thereof and west of the intersection with the centre line of College Street, all of Palmerston Avenue lying west of the centre line of College Street, all of Olive Avenue lying west of the centre line of College Street, all of Garfield Boulevard lying west of the centre line of College Street, all of Broadview Avenue lying west of the centre line of College Street, all of Spadina Avenue, all of King Street lying north of the centre line of Cottage Grove Avenue, all of Parliament Street lying north of the centre line of Cottage Grove Avenue, and all of College Street lying west of the centre line thereof and north of its intersection with the centre line of Cottage Grove Avenue, all as shown on a plan registered in the Registry Office for the Registry Division of the County of Simcoe as Number 584, and the water lots in front of the said lands.

BILL

An Act respecting the Village of
Port McNicoll.

1st Reading

2nd Reading

3rd Reading

MR. DREW

(Private Bill)

No. 12

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Village of Port McNicoll.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 12

1942

BILL

An Act respecting the Village of Port McNicoll.

Preamble.

WHEREAS the Corporation of the Village of Port McNicoll has prayed that an Act may be passed annexing to the said Village certain lands in the Township of Tay in the County of Simcoe; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Annexation
of lands
to Port
McNicoll.

1. The lands described in Schedule A are hereby annexed to and shall form part of the Village of Port McNicoll and shall cease to form part of the Township of Tay, and the inhabitants of the said lands shall be deemed to be inhabitants of the said Village.

Taxation.

2. The last revised assessment made by the assessor of the Township of Tay of the lands described in Schedule A shall be the assessment for the year 1942, and the said lands shall for all municipal purposes including the payment of taxes be deemed to be part of the Village of Port McNicoll for the year 1942 and thereafter.

Power to
establish
park.

3. The council of the Village of Port McNicoll may, subject to the approval of the Ontario Municipal Board, by by-law establish a public park upon the lands or any part thereof described in Schedule A.

Disposal
of lands.

4. The council of the Village of Port McNicoll may by by-law sell and dispose of such part of the lands described in Schedule A as may not be required for municipal purposes.

Short title.

5. This Act may be cited as *The Village of Port McNicoll Act, 1942.*

SCHEDULE A

All those certain tracts and parcels of land and premises situate, lying and being in the Township of Tay in the County of Simcoe and Province of Ontario, and being composed of Lots Numbers 51 to 234 inclusive, Lots Numbers 275 to 458 inclusive, Lots Numbers 514 to 601 inclusive, and Blocks "A" and "B" and that part of Cottage Grove Avenue north of the centre line thereof and west of the intersection with the centre line of College Street, all of Palmerston Avenue lying west of the centre line of College Street, all of Olive Avenue lying west of the centre line of College Street, all of Garfield Boulevard lying west of the centre line of College Street, all of Broadview Avenue lying west of the centre line of College Street, all of Spadina Avenue, all of King Street lying north of the centre line of Cottage Grove Avenue, all of Parliament Street lying north of the centre line of Cottage Grove Avenue, and all of College Street lying west of the centre line thereof and north of its intersection with the centre line of Cottage Grove Avenue, all as shown on a plan registered in the Registry Office for the Registry Division of the County of Simcoe as Number 584, and the water lots in front of the said lands.

BILL

An Act respecting the Village of
Port McNicoll.

1st Reading

March 31st, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. DREW

No. 13

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Village of Fenelon Falls.

MR. FROST

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Village of Fenelon Falls.

Preamble.

WHEREAS the Corporation of the Village of Fenelon Falls, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the first day of December, 1940, submit the following question to the electors of the municipality qualified to vote on money by-laws,—

Are you in favour of the purchase by the Village of Fenelon Falls of the skating rink, purchase price not to exceed \$5,200?

when out of 176 electors voting on the question, 122 voted in the affirmative and 54 voted in the negative; that as the vote is favourable the Corporation desires to purchase such building from the Fenelon Athletic Association Limited; and the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Right to purchase, maintain and operate skating rink.

1. Subject to the approval of the Ontario Municipal Board, the council of the Corporation may purchase the skating rink known as The Fenelon Falls Skating Rink, including equipment therein, from the Fenelon Athletic Association Limited and maintain and operate the same and pass a by-law or by-laws to authorize the issue of debentures of the Corporation to raise a sum not exceeding \$5,200 payable in equal annual instalments within a term not exceeding six years from the date of the issue thereof and bearing interest at such rate as the said council may deem advisable.

Management.

2.—(1) In the event of the purchase of the said skating rink as aforesaid it shall be under the management and control of a commission consisting of,—

(a) two councillors to be appointed by the council of the Corporation; and

- (b) three resident ratepayers who are not councillors, to be appointed by the council of the Corporation.

Organiza-
tion of
Commission.

(2) The council of the Corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said skating rink.

Short title.

3. This Act may be cited as *The Village of Fenelon Falls Act, 1942.*

BILL

An Act respecting the Village of
Fenelon Falls.

1st Reading

2nd Reading

3rd Reading

MR. FROST

(Private Bill)

No. 13

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Village of Fenelon Falls.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 13

1942

BILL

An Act respecting the Village of Fenelon Falls.

Preamble.

WHEREAS the Corporation of the Village of Fenelon Falls, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the first day of December, 1940, submit the following question to the electors of the municipality qualified to vote on money by-laws,—

Are you in favour of the purchase by the Village of Fenelon Falls of the skating rink, purchase price not to exceed \$5,200?

when out of 176 electors voting on the question, 122 voted in the affirmative and 54 voted in the negative; that as the vote is favourable the Corporation desires to purchase such building from the Fenelon Athletic Association Limited; and the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Right to
purchase,
maintain
and operate
skating
rink.

1. Subject to the approval of the Ontario Municipal Board, the council of the Corporation may purchase the skating rink known as The Fenelon Falls Skating Rink, including equipment therein, from the Fenelon Athletic Association Limited and maintain and operate the same and pass a by-law or by-laws to authorize the issue of debentures of the Corporation to raise a sum not exceeding \$5,200 payable in equal annual instalments within a term not exceeding six years from the date of the issue thereof and bearing interest at such rate as the said council may deem advisable.

Manage-
ment.

2.—(1) In the event of the purchase of the said skating rink as aforesaid it shall be under the management and control of a commission consisting of,—

(a) two councillors to be appointed by the council of the Corporation; and

(b) three resident ratepayers who are not councillors,
to be appointed by the council of the Corporation.

(2) The council of the Corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said skating rink. <sup>Organiza-
tion of
Commission.</sup>

3. This Act may be cited as *The Village of Fenelon Falls* ^{Short title.}
Act, 1942.

BILL
An Act respecting the Village of
Fenelon Falls.

1st Reading

February 18th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. FROST

No. 14

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Town of Kincardine.

MR. SINCLAIR

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Kincardine.

Preamble.

WHEREAS the Corporation of the Town of Kincardine, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the ninth day of June, 1941, submit the following question to the electors of the municipality qualified to vote on money by-laws,—

Are you in favour of the expenditure by the Town of Kincardine of a sum not to exceed \$18,000 for the construction of a civic auditorium and skating arena?

when out of 361 electors voting on the question, 291 voted in the affirmative and 70 voted in the negative; that as the vote is favourable the Corporation desires to erect such a building; and the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
erect
Arena.

1. Subject to the approval of the Ontario Municipal Board the council of the Corporation may establish, erect, equip, maintain and operate an auditorium and skating arena, which shall be known as the Public Arena and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the Corporation to raise a sum not exceeding \$18,000 payable in equal annual instalments within a term not exceeding fifteen years from the date of the issue thereof and bearing interest at such a rate as the said council may deem advisable.

Manage-
ment.

2.—(1) The Public Arena shall be under the management and control of a commission consisting of,—

(a) the Mayor;

(b) the town engineer or the chairman of the road and bridge committee; and

(c) four resident ratepayers who are not councillors, to be appointed by the council of the Corporation.

(2) The council of the Corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the Public Arena.

Short title.

3. This Act may be cited as *The Town of Kincardine Act, 1942*.

NO. 13

An Act respecting the Town of
Kincardine.

1st Reading

2nd Reading

3rd Reading

MR. SINCLAIR

(*Private Bill*)

No. 14

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Town of Kincardine.

MR. SINCLAIR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Kincardine.

Preamble.

WHEREAS the Corporation of the Town of Kincardine, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the ninth day of June, 1941, submit the following question to the electors of the municipality qualified to vote on money by-laws,—

Are you in favour of the expenditure by the Town of Kincardine of a sum not to exceed \$18,000 for the construction of a civic auditorium and skating arena?

when out of 361 electors voting on the question, 291 voted in the affirmative and 70 voted in the negative; that as the vote is favourable the Corporation desires to erect such a building; and the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
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Arena.

1. Subject to the approval of the Ontario Municipal Board the council of the Corporation may establish, erect, equip, maintain and operate an auditorium and skating arena, which shall be known as the Public Arena and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the Corporation to raise a sum not exceeding \$18,000 payable in equal annual instalments within a term not exceeding fifteen years from the date of the issue thereof and bearing interest at such a rate as the said council may deem advisable.

Manage-
ment.

2.—(1) The Public Arena shall be under the management and control of a commission consisting of,—

(a) the Mayor;

- (b) the town engineer or the chairman of the road and bridge committee; and
- (c) four resident ratepayers who are not councillors, to be appointed by the council of the Corporation.

(2) The council of the Corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the Public Arena.

3. This Act may be cited as *The Town of Kincardine Act*, ^{Short title.} 1942.

BILL

An Act respecting the Town of
Kincardine.

1st Reading

March 31st, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. SINCLAIR

No. 15

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Toronto Hospital for Incurables.

MR. STEWART

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Toronto Hospital for Incurables.

Preamble.

WHEREAS The Toronto Hospital for Incurables has by its petition represented that it was incorporated in the name "The Toronto Home for Incurables" on the fifth day of August, 1874, under the provisions of *An Act respecting Benevolent, Provident and other Societies* passed in the thirty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 34; that by an order-in-council approved by the Lieutenant-Governor on the sixteenth day of February, 1907, the name "The Toronto Home for Incurables" was changed to "The Toronto Hospital for Incurables"; and that it is desired to continue the corporate existence of the said corporation in the name "The Queen Elizabeth Hospital for Incurables, Toronto"; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Change of name.

1. The corporate name of The Toronto Hospital for Incurables is hereby changed to "The Queen Elizabeth Hospital for Incurables, Toronto".

Trusts, bequests, etc.

2. All trusts, gifts, devises and bequests which have been heretofore or shall hereafter be made to or in favour of or intended for The Toronto Home for Incurables or The Toronto Hospital for Incurables shall be held and enjoyed by The Queen Elizabeth Hospital for Incurables, Toronto.

Short title.

3. This Act may be cited as *The Queen Elizabeth Hospital for Incurables, Toronto, Act, 1942*.

BILL

An Act respecting The Toronto Hospital
for Incurables.

1st Reading

2nd Reading

3rd Reading

MR. STEWART

(*Private Bill*)

No. 15

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting The Toronto Hospital for Incurables.

MR. STEWART

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Toronto Hospital for Incurables.

Preamble.

WHEREAS The Toronto Hospital for Incurables has by its petition represented that it was incorporated in the name "The Toronto Home for Incurables" on the fifth day of August, 1874, under the provisions of *An Act respecting Benevolent, Provident and other Societies* passed in the thirty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 34; that by an order-in-council approved by the Lieutenant-Governor on the sixteenth day of February, 1907, the name "The Toronto Home for Incurables" was changed to "The Toronto Hospital for Incurables"; and that it is desired to continue the corporate existence of the said corporation in the name "The Queen Elizabeth Hospital for Incurables, Toronto"; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Change of name.

1. The corporate name of The Toronto Hospital for Incurables is hereby changed to "The Queen Elizabeth Hospital for Incurables, Toronto".

Trusts, bequests, etc.

2. All trusts, gifts, devises and bequests which have been heretofore or shall hereafter be made to or in favour of or intended for The Toronto Home for Incurables or The Toronto Hospital for Incurables shall be held and enjoyed by The Queen Elizabeth Hospital for Incurables, Toronto.

Short title.

3. This Act may be cited as *The Queen Elizabeth Hospital for Incurables, Toronto, Act, 1942*.

BILL

An Act respecting The Toronto Hospital
for Incurables.

1st Reading

March 31st, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. STEWART

No. 16

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Havergal College.

MR. STRACHAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 16

1942

BILL

An Act respecting Havergal College.

Preamble.

WHEREAS Havergal College has represented by its petition that it was incorporated by an Act passed in the seventh year of the Reign of His late Majesty King George V, chaptered 104, and entitled *An Act to Incorporate Havergal College*, and that certain provisions of the said Act with respect to the retirement of trustees and governors of the Corporation were amended by *The Havergal College Act, 1933*; and whereas the said College has prayed for special legislation amending the provisions of the said Acts with respect to the retirement of trustees and governors, the appointment of an executive committee and the powers of the Corporation in respect of lands; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1917, c. 104,
s. 1, subs. 3
(1933, c. 82,
s. 2),
amended.

1. Subsection 3 of section 1 of chapter 104 of the Statutes of Ontario, 1917, being *An Act to Incorporate Havergal College*, as enacted by section 2 of chapter 82 of the Statutes of Ontario, 1933, being *An Act respecting Havergal College*, is amended by striking out the words "and when" in the sixth line and inserting in lieu thereof the words "but shall remain in office until", so that the said subsection shall now read as follows:

Retirement
of trustees.

- (3) The four members of the board who have been longest in office as trustees and governors since the time of their last appointment to office whether by the said Act or otherwise shall cease to hold office on the 1st day of November, 1933, and thereafter on that date in each successive year but shall remain in office until their successors shall be appointed. The vacancies occurring by such retirement shall be filled in accordance with section 2, provided that any trustee and governor so retiring shall be eligible for reappointment.

1917, c. 104,
s. 6, subs. 2,
re-enacted.

2. Subsection 2 of section 6 of chapter 104 of the Statutes of Ontario, 1917, being *An Act to Incorporate Havergal College*, is repealed and the following substituted therefor:

Powers
re land.

(2) The land which may be taken and held by the new corporation under the provisions of subsection 1 shall not exceed an annual rental value of \$50,000. It is hereby declared that the new corporation had the power to take and hold or acquire the lands heretofore taken and held or acquired by it or purported to have been taken, held or acquired by it heretofore and that the new corporation now lawfully holds such lands except the portion thereof sold or conveyed by the new corporation. Notwithstanding the provisions of *The Mortmain and Charitable Uses Act* or any other Act the period within which the land heretofore taken and held or acquired by it or purported to have been taken, held or acquired by it shall be sold shall be ten years from the date of the termination of the present war and that the period within which the land hereafter taken and held or acquired by it shall be sold shall be ten years from the taking or acquiring of the same. Provided always that it shall not be necessary to sell any land heretofore or hereafter taken or held which is *bona fide* used for the purpose of the new corporation.

Rev. Stat.,
c. 147.

1917, c. 104,
s. 7, re-
enacted.

3. Section 7 of chapter 104 of the Statutes of Ontario, 1917, being *An Act to Incorporate Havergal College*, is repealed and the following substituted therefor:

Board to
exercise
powers,
etc.

7.—(1) Subject to the provisions of subsection 2, the powers of the new corporation shall be exercised by the Board, which may make and pass by-laws, resolutions, rules and regulations not contrary to law or to the provisions of this Act with respect to the conduct and management in all respects of the purposes and affairs of the Board, and the exercise of the powers hereby conferred including among all other matters the providing for the forfeiture of the office of trustee, the calling of meetings of the Board, the quorum, and the procedure in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants and their remuneration, and management and administration of its colleges and schools and of all matters and things connected therewith; and the Board may confer upon the officers and persons employed in connection with its undertakings such powers of administration and discipline as it may think necessary.

Board may
appoint
executive
committee.

- (2) The Board shall have power to appoint from its number an executive committee to consist of not less than three which said executive committee may exercise all or such of the powers of the Board as the Board may delegate to such executive committee.

Present
Board.

4. Notwithstanding the provisions of chapter 104 of the Statutes of Ontario, 1917, being *An Act to incorporate Havergal College*, or chapter 82 of the Statutes of Ontario, 1933, being *An Act respecting Havergal College*, the following persons, namely, W. E. Taylor, G. T. Clarkson, L. V. Wright, C. S. Band, H. J. Cody, W. R. R. Armitage, D. H. C. Mason, W. C. White, W. J. Dunlop, Mrs. F. J. Mulqueen, Mrs. J. D. Woods, shall be deemed to be duly appointed trustees and members of the Board of Governors of Havergal College in accordance with the said Acts, provided that nothing herein contained shall affect the vacancy now existing on the Board, so that upon such vacancy being filled the Board shall consist of the eleven persons mentioned above and the person appointed to fill such vacancy.

Short title.

5. This Act may be cited as *The Havergal College Act, 1942*.

BILL

An Act respecting Havergal College.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(*Private Bill*)

No. 16

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting Havergal College.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 16

1942

BILL

An Act respecting Havergal College.

Preamble.

WHEREAS Havergal College has represented by its petition that it was incorporated by an Act passed in the seventh year of the Reign of His late Majesty King George V, chaptered 104, and entitled *An Act to Incorporate Havergal College*, and that certain provisions of the said Act with respect to the retirement of trustees and governors of the Corporation were amended by *The Havergal College Act, 1933*; and whereas the said College has prayed for special legislation amending the provisions of the said Acts with respect to the retirement of trustees and governors, the appointment of an executive committee and the powers of the Corporation in respect of lands; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1917, c. 104,
s. 1, subs. 3
(1933, c. 82,
s. 2),
amended.

1. Subsection 3 of section 1 of chapter 104 of the Statutes of Ontario, 1917, being *An Act to Incorporate Havergal College*, as enacted by section 2 of chapter 82 of the Statutes of Ontario, 1933, being *An Act respecting Havergal College*, is amended by striking out the words "and when" in the sixth line and inserting in lieu thereof the words "but shall remain in office until", so that the said subsection shall now read as follows:

Retirement
of trustees.

- (3) The four members of the board who have been longest in office as trustees and governors since the time of their last appointment to office whether by the said Act or otherwise shall cease to hold office on the 1st day of November, 1933, and thereafter on that date in each successive year but shall remain in office until their successors shall be appointed. The vacancies occurring by such retirement shall be filled in accordance with section 2, provided that any trustee and governor so retiring shall be eligible for reappointment.

2. Subsection 2 of section 6 of chapter 104 of the Statutes of Ontario, 1917, being *An Act to Incorporate Havergal College*,^{1917, c. 104, s. 6, subs. 2, re-enacted.} is repealed and the following substituted therefor:

- (2) The land which may be taken and held by the new corporation under the provisions of subsection 1 shall not exceed an annual rental value of \$50,000. It is hereby declared that the new corporation had the power to take and hold or acquire the lands heretofore taken and held or acquired by it or purported to have been taken, held or acquired by it heretofore and that the new corporation now lawfully holds such lands except the portion thereof sold or conveyed by the new corporation. Notwithstanding the provisions of *The Mortmain and Charitable Uses Act* or any other Act the period within which the land heretofore taken and held or acquired by it or purported to have been taken, held or acquired by it shall be sold shall be ten years from the date of the termination of the present war and that the period within which the land hereafter taken and held or acquired by it shall be sold shall be ten years from the taking or acquiring of the same. Provided always that it shall not be necessary to sell any land heretofore or hereafter taken or held which is *bona fide* used for the purpose of the new corporation.

3. Section 7 of chapter 104 of the Statutes of Ontario, 1917,^{1917, c. 104, s. 7, re-enacted.} being *An Act to Incorporate Havergal College*, is repealed and the following substituted therefor:

- 7.—(1) Subject to the provisions of subsection 2, the powers of the new corporation shall be exercised by the Board, which may make and pass by-laws, resolutions, rules and regulations not contrary to law or to the provisions of this Act with respect to the conduct and management in all respects of the purposes and affairs of the Board, and the exercise of the powers hereby conferred including among all other matters the providing for the forfeiture of the office of trustee, the calling of meetings of the Board, the quorum, and the procedure in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants and their remuneration, and management and administration of its colleges and schools and of all matters and things connected therewith; and the Board may confer upon the officers and persons employed in connection with its undertakings such powers of administration and discipline as it may think necessary.

Board may
appoint
executive
committee.

- (2) The Board shall have power to appoint from its number an executive committee to consist of not less than three which said executive committee may exercise all or such of the powers of the Board as the Board may delegate to such executive committee.

Present
Board.

4. Notwithstanding the provisions of chapter 104 of the Statutes of Ontario, 1917, being *An Act to incorporate Havergal College*, or chapter 82 of the Statutes of Ontario, 1933, being *An Act respecting Havergal College*, the following persons, namely, W. E. Taylor, G. T. Clarkson, L. V. Wright, C. S. Band, H. J. Cody, W. R. R. Armitage, D. H. C. Mason, W. C. White, W. J. Dunlop, Mrs. F. J. Mulqueen, Mrs. J. D. Woods, shall be deemed to be duly appointed trustees and members of the Board of Governors of Havergal College in accordance with the said Acts, provided that nothing herein contained shall affect the vacancy now existing on the Board, so that upon such vacancy being filled the Board shall consist of the eleven persons mentioned above and the person appointed to fill such vacancy.

Short title.

5. This Act may be cited as *The Havergal College Act, 1942*.

BILL

An Act respecting Havergal College.

1st Reading

February 18th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. STRACHAN

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(PRIVATE BILL)

No. 17

1942

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Retiring
allowances
validated,—

1.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the council of the Corporation of the City of Toronto to any employee or servant of the Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

Payment.

(2) The council of the said Corporation may continue to pay until the 30th day of June, 1943, the retiring allowances mentioned in subsection 1.

Retiring
allowances to
employees
of Electric
Commission-
ers
validated,—

2.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the Toronto Electric Commissioners to any employee or servant of the Commissioners who had been in the service of the Commissioners or its predecessors for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Commissioners.

Payment.

(2) The Toronto Electric Commissioners may continue to pay until the 30th day of June, 1943, the retiring allowances mentioned in subsection 1.

By-Law No.
15542
validated.

3.—(1) By-law number 15542 passed by the council of the Corporation of the City of Toronto on the 24th day of February, 1941, entitled "A By-law respecting areas and bridges in, over or under highways" set out as Schedule A hereto, is hereby validated and confirmed.

Idem.

(2) The said by-law number 15542 may be amended from time to time with the approval of the Ontario Municipal Board, and upon such approval being given any such amending by-law shall be deemed to be validated and confirmed.

Disposal of
surplus from
certain
debentures.

4. Where debentures have heretofore been issued or may hereafter be issued by the Corporation of the City of Toronto under any by-law for the purpose of providing the cost of grade separation works or street extensions including a bridge and other necessary works named or described in the by-law and the proceeds of the sale or hypothecation of such debentures exceeds the cost of the said works, any surplus remaining in the hands of the treasurer of the municipality may be used and applied to pay in whole or in part the cost of constructing other grade separation works.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Toronto Act, 1942*.

SCHEDULE A

No. 15542. A BY-LAW

Respecting areas and bridges in, over or under highways.

(Passed February 24th, 1941.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this By-law,

"Area" shall mean an area under a highway and shall include an opening in a highway leading to any such area, the space occupied by a gasoline, fuel oil, or other tank now located in or under a highway and the space occupied by a conduit in or under a highway, except a conduit used for the transmission of a public utility.

"Bridge" shall mean a bridge, tunnel or other structure which is constructed wholly or partly over, across or under a highway for the purpose of affording access to or connecting land abutting on one side of the highway from or with or to land abutting on the other side of the highway;

"Commissioner" shall mean the Commissioner of Works and City Engineer of the City of Toronto or the person from time to time performing the duties of such official.

"Highway" shall include any land used as a highway.

"Owner" shall include a lessee under a lease having at least ten years to run or a lease that is renewable for at least ten years, and a mortgagee in possession.

2. No person shall make, construct, maintain or use any area or bridge unless and until he shall have first applied for and obtained a permit hereunder so to do.

3. Every owner of land who applies for a permit under this By-law shall pay to the Corporation such fee for the permit as the Council may from time to time by by-law or resolution prescribe.

4. Every owner of land who desires to make, construct, maintain or use an area or bridge shall first file with the Commissioner a plan or drawing of the area or bridge, showing all details of construction, accompanied by an application to the Council for a permit, such application to be on the form provided by the Commissioner, and if the Council grant such application, the Commissioner shall thereupon issue a permit.

5. The Council may at any time revoke any permit granted under Section 4 and may at any time direct the owner of the land adjacent to or in connection with which any area is located or used or to which access is afforded by or which is connected with or to any bridge to restore the highway to its former condition by, in the case of an area, closing up and filling in the area and repairing and resurfacing the highway in a manner satisfactory to the Commissioner or, in the case of a bridge, by removing the bridge if located above the highway or, if located under the highway, by closing up and filling in the bridge and repairing and resurfacing the highway in a manner satisfactory to the Commissioner; and whenever any such permit is so revoked, or whenever any such direction is given, the Commissioner shall notify the said owner in writing accordingly, whereupon the said owner shall at his own expense forthwith restore the highway as aforesaid.

6. The granting or refusing of any permit shall be in the discretion of Council and it shall not be bound to give any reason for refusing or

revoking a permit and its action shall not be open to question or review by any Court.

7. Every owner of land adjacent to or in connection with which any area is located or used or of land to which access is afforded by or which is connected with or to any bridge shall:—

- (1) pay to the Corporation such annual or other charge therefor and upon such conditions as the Council may from time to time by by-law or resolution prescribe.
- (2) forthwith on demand of the Commissioner, make good at his own expense any damage done to any sidewalk, boulevard, pavement or service or equipment located in, over, under or upon the highway by reason of his making, constructing, maintenance or use of the area or bridge.
- (3) at his own expense, make, construct, maintain and use the area or bridge in accordance with the plan or drawing thereof filed under Section 4 and to the satisfaction of the Commissioner and in such manner that the highway at all times shall be in a state of repair which is satisfactory to the Commissioner and the said owner shall make, from time to time at his own expense and as may be required by the Commissioner, all repairs to the highway rendered necessary by reason of the making, construction, maintenance or use of the area or bridge.
- (4) forthwith give to the Commissioner notice in writing of any change of his address, any alienation of the land adjacent to or in connection with which the area is located or used, or of the land to which access is afforded by or which is connected with or to the bridge, and, if he ceases to require the area or bridge, the date after which he shall no longer require the same.

8. An area or bridge shall not be used for the purpose of habitation nor for any purpose other than that set out in the application for permit and the Corporation shall have the right to construct, place and maintain its services and equipment in, under, over or through the area or bridge and to authorize any public utility commission or corporation to construct, place and maintain its services and equipment in, under, over or through any area or bridge.

9.—(1) Whenever any owner of land omits, neglects or refuses to do any matter or thing which he is required to do under any provision of this by-law, the Corporation may do such matter or thing at the expense of such owner and the expense so incurred may be recovered by action or may be added to and, if so added, shall form part of the municipal taxes to be imposed for the current or next ensuing year upon the land of such owner to or opposite or adjacent to which the matter or thing is done, and the Corporation shall have the same rights, powers and remedies against and in respect of the said owner and his said land as though the said expense were taxes levied under the provisions of The Municipal Act.

(2) For the purpose of doing any matter or thing under the authority of subsection 1, the Corporation, through its officers, servants, workmen, agents and contractors shall have the right and they are and each of them is hereby authorized and empowered to enter into or upon any aforesaid land with all necessary materials, tools, plant and equipment; and neither the Corporation nor its officers, employees, agents or contractors shall be liable to the owner of the said land for any injury or damage necessarily done to the said land, or any part thereof, during the course of or by reason of doing the matter or thing.

(3) No person shall prevent or obstruct or attempt to prevent or obstruct any officer, servant, workman, agent or contractor of the Corporation from entering into or upon any said land for the purpose of doing any such matter or thing.

(4) Whenever, in the course of or as a result of proceeding under the authority of Subsection 1 it becomes necessary in the opinion of the

Commissioner to remove any article, material or thing that is in or upon or forms part of any area or bridge, such article, material or thing may be disposed of by the Corporation by sale and the proceeds of such sale shall be credited to such owner.

10. The owner of any land adjacent to or in connection with which any area is located or used or of land to which access is afforded by or which is connected with or to any bridge shall, so long as such area or bridge remains in, over or under the highway, be conclusively deemed to be maintaining and using same whether or not such owner has obtained a permit therefor and such owner shall be liable to the Corporation for all loss, claims, demands, costs, charges and expenses which may be paid, sustained or incurred by the Corporation in consequence of the making, constructing, maintenance or use of any such area or bridge and which, but for such making, constructing, maintenance or use of such area or bridge could or would not have been so paid, sustained or incurred; and, in addition to any other remedy provided by law, the Corporation may recover any such loss, claims, demands, costs, charges and expenses from such owner by action or the same may be added, and, if so added, shall form part of the municipal taxes to be imposed for the current or next ensuing year upon such owner's land, and the Corporation shall have the same rights, powers and remedies against and in respect of such owner and his land as though such loss, claims, demands, costs, charges and expenses were taxes levied under The Municipal Act.

11. Any notice or communication required to be given by the Corporation or the Commissioner to any owner may be enclosed in a envelope addressed to him at his last address shown on the records of the Commissioner and deposited post prepaid in His Majesty's Post Office at Toronto.

12. The provisions of this By-law shall apply to all areas and bridges heretofore or hereafter made, constructed, maintained or used and to all owners of land adjacent to or in connection with which any such area is located or used or of land to which access is afforded by or which is connected with or to any bridge and to all such land, and shall so apply notwithstanding the provisions of any existing agreement.

13.—(1) Every person who contravenes any of the provisions of this By-law shall upon conviction thereof forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence, and the provisions of Section 520 (2) of The Municipal Act shall apply to the said penalty.

(2) The imposition of a penalty under Subsection 1 shall not operate as a bar to any other remedy or proceeding under this by-law.

14. In addition to any other remedy provided and any penalty imposed under the next preceding section, any contravention of this By-law may be restrained, and any requirement of it may be enforced, by action at the instance of the Corporation.

15. This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

FRED J. CONBOY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, February 24th, 1941
(L.S.)

BILL

An Act respecting the City of Toronto.

1st Reading

2nd Reading

3rd Reading

MR. STRACHAN

(Private Bill)

No. 17

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Retiring
allowances
validated,—

1.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the council of the Corporation of the City of Toronto to any employee or servant of the Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

Payment of
allowances.

(2) The council of the said Corporation may continue to pay until the 2nd day of January, 1943, the retiring allowances mentioned in subsection 1 and may also pay the said retiring allowances after the said date with the assent of the electors qualified to vote on money by-laws.

Provision
for vote.

(3) The council of the said Corporation shall on or before the 1st day of January, 1943, submit to the electors qualified to vote on money by-laws a by-law in a form satisfactory to the Department of Municipal Affairs providing for the payment after the 2nd day of January, 1943, of the retiring allowances mentioned in subsection 1.

Retiring
allowances to
employees
of Electric
Commission-
ers
validated,—

2.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the Toronto Electric Commissioners to any employee or servant of the Commissioners who had been in the service of the Commissioners or its predecessors for at least twenty

years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Commissioners.

Payment of
allowances.

(2) The Toronto Electric Commissioners may continue to pay until the 2nd day of January, 1943, the retiring allowances mentioned in subsection 1 and may also pay the said retiring allowances after the said date with the assent of the electors qualified to vote on money by-laws.

Provision
for vote.

(3) The council of the said Corporation shall on or before the 1st day of January, 1943, submit to the electors qualified to vote on money by-laws a by-law in a form satisfactory to the Department of Municipal Affairs providing for the payment after the 2nd day of January, 1943, of the retiring allowances mentioned in subsection 1.

Disposal of
surplus from
certain
debentures.

3. Any surplus funds remaining in the hands of the treasurer of the Corporation of the City of Toronto from the issue of debentures for the payment of the extension of Bathurst Street southerly from Front Street including a bridge and other necessary works and for the North West Grade Separation may be used and applied to pay for the balance of the cost remaining unfunded of the Bathurst and the Humber River and the North Toronto Grade Separation works in the said City.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act, 1942*.

An Act respecting the City of Toronto.

1st Reading

March 25th, 1942

2nd Reading

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee
on Private Bills.)*

No. 17

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Toronto.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Retiring
allowances
validated,—

1.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the council of the Corporation of the City of Toronto to any employee or servant of the Corporation who had been in the service of the Corporation for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

Payment of
allowances.

(2) The council of the said Corporation may continue to pay until the 15th day of March, 1943, the retiring allowances mentioned in subsection 1.

(3) The council of the said Corporation shall not pay any retiring allowance other than those mentioned in subsection 1.

Retiring
allowances to
employees
of Electric
Commission-
ers
validated,—

2.—(1) The retiring allowances granted or purported to have been granted prior to the 5th day of March, 1941, by the Toronto Electric Commissioners to any employee or servant of the Commissioners who had been in the service of the Commissioners or its predecessors for at least twenty years and who while in such service had become incapable through illness or old age of efficiently discharging his duties, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Commissioners.

(2) The Toronto Electric Commissioners may continue to pay until the 15th day of March, 1943, the retiring allowances mentioned in subsection 1. ^{Payment of allowances.}

(3) The Toronto Electric Commissioners shall not pay any retiring allowance other than those mentioned in subsection 1.

3. Any surplus funds remaining in the hands of the treasurer of the Corporation of the City of Toronto from the issue of debentures for the payment of the extension of Bathurst Street southerly from Front Street including a bridge and other necessary works and for the North West Grade Separation may be used and applied to pay for the balance of the cost remaining unfunded of the Bathurst and the Humber River and the North Toronto Grade Separation works in the said City. ^{Disposal of surplus from certain debentures.}

4. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

5. This Act may be cited as *The City of Toronto Act, 1942*. ^{Short title.}

BILL

An Act respecting the City of Toronto.

1st Reading

March 25th, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. STRACHAN

No. 18

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Town of La Salle.

MR. FLETCHER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 18

1942

BILL

An Act respecting the Town of La Salle.

Preamble.

WHEREAS the Corporation of the Town of La Salle has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Notice of application to Municipal Board for approval of restricted area by-law,—how to be given.

Rev. Stat., c. 266.
1941, c. 35.

1. The council of the said Corporation shall in lieu of the requirements of subsection 5 of section 406 of *The Municipal Act*, as enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, notify all owners whose property is affected by any by-law passed under the said section 406 of its intended application to the Ontario Municipal Board for its approval of the said by-law by advertising to such effect in a local newspaper and in the *Ontario Gazette* at least once a week for four weeks before the day fixed by the said Board for hearing the application, and such notification shall be sufficient for the purposes of the said section.

Power to levy minimum tax.

2. The council of the said Corporation may, where the amount of municipal taxes on any vacant land within the said Township is less than \$1.50, by by-law levy an additional amount sufficient to increase the amount of such taxes to \$1.50.

Short title.

3. This Act may be cited as *The Town of La Salle Act, 1942*.

BILL

An Act respecting the Town of La Salle.

1st Reading

2nd Reading

3rd Reading

MR. FLETCHER

(Private Bill)

No. 18

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Town of La Salle.

MR. FLETCHER

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 18

1942

BILL

An Act respecting the Town of La Salle.

Preamble.

WHEREAS the Corporation of the Town of La Salle has by its petition prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
levy mini-
mum tax.

1. The council of the said Corporation may, where the amount of municipal taxes on any vacant land within the said Town is less than \$1.50, by by-law levy an additional amount sufficient to increase the amount of such taxes to \$1.50.

Short title.

2. This Act may be cited as *The Town of La Salle Act, 1942*.

BILL

An Act respecting the Town of La Salle.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. FLETCHER

*(Reprinted as amended by the Committee
on Private Bills.)*

No. 18

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Town of La Salle.

MR. FLETCHER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 18

1942

BILL

An Act respecting the Town of La Salle.

Preamble.

WHEREAS the Corporation of the Town of La Salle has by its petition prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
levy mini-
mum tax.

1. The council of the said Corporation may, where the amount of municipal taxes on any vacant land within the said Town is less than \$1.50, by by-law levy an additional amount sufficient to increase the amount of such taxes to \$1.50.

Short title.

2. This Act may be cited as *The Town of La Salle Act, 1942*.

BILL

An Act respecting the Town of La Salle.

1st Reading

March 31st, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. FLETCHER

No. 19

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Fort William.

MR. SPENCE

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation in order to resubdivide certain lands in the said City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain
lands vested
in Anglo-
Canadian
Associates
Limited.

1. The following lands in the City of Fort William in the District of Thunder Bay and Province of Ontario bounded on the South by the North limit of Walsh Street, on the West by Kingsway, on the North by the Southerly limit of the Right-of-way of the Canadian National Railways Branch line from its main line to its Fort William Station and the South limit of Arthur Street, and on the East by the West limit of Lot Two (2) in the Second Concession of the Township of Neebing North of the Kaministiquia River, SAVING AND EXCEPTING thereout and therefrom Lots 45 to 78 inclusive according to Registered Plan M-35; Lots 652 to 666 inclusive according to Registered Plan M-41; Lots 33 to 64 inclusive according to Registered Plan No. 559; and the lanes and that part of Hyde Park Avenue lying between the said excepted lots, are hereby vested in Anglo-Canadian Associates Limited in fee simple free from encumbrances and charges thereon and dower therein, except taxes.

Present
registered
plans
cancelled.

2. All registered plans of subdivisions of any part of the lands vested in Anglo-Canadian Associates Limited under section 1 in so far as such lands are concerned are hereby cancelled and rescinded.

Lands to be
placed under
Land Titles
Act.

Rev. Stat.,
cc. 174,
170.

3. The lands vested in Anglo-Canadian Associates Limited under section 1 whether now under *The Land Titles Act* or *The Registry Act* shall be placed under *The Land Titles Act* and the master of titles at Toronto or the local master of titles at Fort William shall issue a certificate of ownership for all of such lands in one parcel to and in the name of Anglo-

Canadian Associates Limited in the usual form issued to an absolute owner in fee simple, free from dower therein and charges and encumbrances thereon, except taxes.

New plan of
subdivision.

4. When Anglo-Canadian Associates Limited is entered as the absolute owner as provided in section 3 The Town Planning Commission of the City of Fort William shall at its own expense have prepared and registered in the name of Anglo-Canadian Associates Limited a new plan or plans of subdivision of the lands vested in Anglo-Canadian Associates Limited under section 1.

Compensa-
tion.

5. After the new plan or plans of subdivision have been registered The Town Planning Commission of the City of Fort William shall decide what portion of the lands as resubdivided shall be transferred to the respective owner or owners, their heirs or assigns, and the lands expropriated hereby as compensation for the lands so taken, but this shall not include any owner or owners, their heirs or assigns, of any of such lands embraced in any street or lane shown on any of the plans of subdivision cancelled and rescinded under this Act.

Planning
Commis-
sion's
decision
final.

6. The decision of The Town Planning Commission of the City of Fort William as to the new plan or plans of subdivision under section 4 or as to any transfer to be given by Anglo-Canadian Associates Limited under section 5 shall be final and binding and not open to appeal or question in any court of law or otherwise.

Procedure
in land
titles
office.

7. On presentation for registration to the land titles office at Fort William of the plan or plans of subdivision under section 4 or any transfer under section 5, properly executed by Anglo-Canadian Associates Limited, the same shall be recorded by the local master of titles at Fort William without any further inquiry or question or proof as to compliance with the provisions of this Act.

Short title.

8. This Act may be cited as *The City of Fort William Act, 1942.*

Bill

An Act respecting the City of
Fort William.

1st Reading

2nd Reading

3rd Reading

MR. SPENCE

(Private Bill)

No. 19

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Fort William.

MR. SPENCE

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation in order to resubdivide certain lands in the said City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands defined.

1. In this Act lands shall mean the lands in the City of Fort William in the District of Thunder Bay and Province of Ontario bounded on the South by the North limit of Walsh Street, on the West by Kingsway, on the North by the Southerly limit of the Right-of-way of the Canadian National Railways Branch line from its main line to its Fort William Station and the South limit of Arthur Street, and on the East by the West limit of Lot Two (2) in the Second Concession of the Township of Neebing North of the Kaministiquia River, SAVING AND EXCEPTING thereout and therefrom Lots 45 to 78 inclusive according to Registered Plan M-35; Lots 652 to 666 inclusive according to Registered Plan M-41; Lots 33 to 64 inclusive according to Registered Plan No. 559; and the lanes and that part of Hyde Park Avenue lying between the said excepted lots.

Vesting of lands in trustee.

2. Upon receiving the approval of the Ontario Municipal Board, after a hearing in the City of Fort William upon such notice and otherwise as the Board may direct, the lands mentioned in subsection 1 shall become vested in a trustee to be named by the Board in fee simple free from encumbrances and charges thereon and dower therein, except taxes.

Present registered plans cancelled.

3. Upon the vesting of the lands in the trustee under section 2, all registered plans of subdivisions of any part of the lands in so far as the lands are concerned shall be cancelled and rescinded.

Lands to be placed under Land Titles Act, Rev. Stat., cc. 174, 170.

4. The lands vested in the trustee under section 2 whether now under *The Land Titles Act* or *The Registry Act* shall be placed under *The Land Titles Act* and the master of titles at

Toronto or the local master of titles at Fort William shall issue a certificate of ownership for all of such lands in one parcel to and in the name of the trustee in the usual form issued to an absolute owner in fee simple, free from dower therein and charges and encumbrances thereon, except taxes.

New plan of
subdivision.

5. When the trustee is entered as the absolute owner as provided in section 4 The Town Planning Commission of the City of Fort William shall at its own expense have prepared and registered in the name of the trustee a new plan or plans of subdivision of the lands vested in the trustee under section 2.

Compensa-
tion.

6. After the new plan or plans of subdivision have been registered The Town Planning Commission of the City of Fort William shall, subject to the approval of the Ontario Municipal Board, decide what portion of the lands as resubdivided shall be transferred to the respective former owners, their heirs or assigns, as compensation for the lands so taken, and the same shall be transferred accordingly, but this shall not include any owners, their heirs or assigns, of any of such lands embraced in any street or lane shown on any of the plans of subdivision cancelled and rescinded under this Act.

Powers of
expropria-
tion.

Rev. Stat.,
c. 266.

7. The Corporation of the City of Fort William may for the purpose of carrying out the objects of this Act, expropriate any of the lands mentioned in section 1, and Part XV of *The Municipal Act* shall apply to any such expropriation.

Procedure
in land
titles
office.

8. On presentation for registration to the land titles office at Fort William of the plan or plans of subdivision under section 5 or any transfer under section 6, properly executed by the trustee, the same shall be recorded by the local master of titles at Fort William without any further inquiry or question or proof as to compliance with the provisions of this Act.

Short title.

9. This Act may be cited as *The City of Fort William Act, 1942*.

BILL

An Act respecting the City of
Fort William.

1st Reading

March 25th, 1942

2nd Reading

3rd Reading

MR. SPENCE

(Reprinted as amended by the Committee
on Private Bills.)

No. 19

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the City of Fort William.

MR. SPENCE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation in order to resubdivide certain lands in the said City; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands defined.

1. In this Act lands shall mean the lands in the City of Fort William in the District of Thunder Bay and Province of Ontario bounded on the South by the North limit of Walsh Street, on the West by Kingsway, on the North by the Southerly limit of the Right-of-way of the Canadian National Railways Branch line from its main line to its Fort William Station and the South limit of Arthur Street, and on the East by the West limit of Lot Two (2) in the Second Concession of the Township of Neebing North of the Kaministiquia River, SAVING AND EXCEPTING thereout and therefrom Lots 45 to 78 inclusive according to Registered Plan M-35; Lots 652 to 666 inclusive according to Registered Plan M-41; Lots 33 to 64 inclusive according to Registered Plan No. 559; and the lanes and that part of Hyde Park Avenue lying between the said excepted lots.

Vesting of lands in trustee.

2. Upon receiving the approval of the Ontario Municipal Board, after a hearing in the City of Fort William upon such notice and otherwise as the Board may direct, the lands mentioned in subsection 1 shall become vested in a trustee to be named by the Board in fee simple free from encumbrances and charges thereon and dower therein, except taxes.

Present registered plans cancelled.

3. Upon the vesting of the lands in the trustee under section 2, all registered plans of subdivisions of any part of the lands in so far as the lands are concerned shall be cancelled and rescinded.

Lands to be placed under Land Titles Act. Rev. Stat., cc. 174, 170.

4. The lands vested in the trustee under section 2 whether now under *The Land Titles Act* or *The Registry Act* shall be placed under *The Land Titles Act* and the master of titles at

Toronto or the local master of titles at Fort William shall issue a certificate of ownership for all of such lands in one parcel to and in the name of the trustee in the usual form issued to an absolute owner in fee simple, free from dower therein and charges and encumbrances thereon, except taxes.

5. When the trustee is entered as the absolute owner as provided in section 4 The Town Planning Commission of the City of Fort William shall at its own expense have prepared and registered in the name of the trustee a new plan or plans of subdivision of the lands vested in the trustee under section 2. ^{New plan of subdivision.}

6. After the new plan or plans of subdivision have been registered The Town Planning Commission of the City of Fort William shall, subject to the approval of the Ontario Municipal Board, decide what portion of the lands as subdivided shall be transferred to the respective former owners, their heirs or assigns, as compensation for the lands so taken, and the same shall be transferred accordingly, but this shall not include any owners, their heirs or assigns, of any of such lands embraced in any street or lane shown on any of the plans of subdivision cancelled and rescinded under this Act. ^{Compensation.}

7. The Corporation of the City of Fort William may for the purpose of carrying out the objects of this Act, expropriate any of the lands mentioned in section 1, and Part XV of *The Municipal Act* shall apply to any such expropriation. ^{Powers of expropriation. Rev. Stat., c. 266.}

8. On presentation for registration to the land titles office at Fort William of the plan or plans of subdivision under section 5 or any transfer under section 6, properly executed by the trustee, the same shall be recorded by the local master of titles at Fort William without any further inquiry or question or proof as to compliance with the provisions of this Act. ^{Procedure in land titles office.}

9. This Act may be cited as *The City of Fort William Act*, ^{Short title.} 1942.

An Act respecting the City of
Fort William.

1st Reading

March 25th, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. SPENCE

No. 20

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Township of East York.

MR. HENRY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 20

1942

BILL

An Act respecting the Township of East York.

WHEREAS the Corporation of the Township of East York has by its petition prayed for special legislation to validate by-law number 3408; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
3408
validated.

1. By-law number 3408 passed by the council of the Corporation of the Township of East York on the 13th day of February, 1942, set forth as Schedule A hereto, providing for the Corporation assuming as the Corporation's share of the cost of a local improvement known as Governor's Bridge, that proportion of the cost thereof which has not been assessed prior to the 1st day of January, 1942, is hereby ratified and confirmed and declared to be legal, valid and binding.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Township of East York Act, 1942*.

SCHEDULE A

TOWNSHIP OF EAST YORK

BY-LAW NUMBER 3408

To provide for the Corporation assuming as the Corporation's share of the cost of a local improvement known as Governor's Bridge, that proportion of the cost thereof which has not been assessed prior to the 1st day of January, 1942.

WHEREAS By-law Number 7151, passed by the Township of York in 1923 in pursuance of *The Local Improvement Act*, provided for charging the full cost of construction of a bridge known as Governor's Bridge, amounting to \$117,704.56 to that part of Township lot 15 in the Second Concession from the Bay as subdivided by Registered Plan 1731 and subsequently re-subdivided by Plan 2398 by assessing over a period of thirty years a proportion thereof as the owner's share and by assessing the Corporation's share as a special rate over the whole area.

AND WHEREAS the said area is now in the Township of East York.

AND WHEREAS the cost has been so assessed during the years 1924 to 1941, inclusive.

AND WHEREAS in 1923 the said bridge was constructed for the purpose of providing an entrance to the lands specially assessed therewith.

AND WHEREAS the said bridge now provides access to and from the City of Toronto for the Town of Leaside and for other portions of the Township of East York.

AND WHEREAS it is deemed inequitable and an unfair burden upon the lands to which the cost was originally assessed that the balance of the cost thereof should be paid by the said area.

THEREFORE BE IT ENACTED by the Council of the Township of East York as follows:

THAT the Corporation of the Township of East York assume, in lieu of the share of the said local improvement which the Corporation would have paid initially had it been so provided by By-law Number 7151 of the Township of York, the owner's portion and the area's portion of the balance of the cost of the said local improvement known as Governor's Bridge as provided by By-law Number 7151 of the Township of York, and that from and after the 1st day of January, 1942, no further amount be assessed against the lands and premises of the area hereinabove defined as owner's portion or area's portion for defraying the cost of the said Governor's Bridge but that the balance of the cost of such local improvement be paid by the Corporation of the Township of East York.

ENACTED AND PASSED this 13th day of February, 1942.

W. H. HEATON, *Clerk.*

J. WARREN, *Reeve.*

BILL

An Act respecting the Township
of East York.

1st Reading

2nd Reading

3rd Reading

MR. HENRY

(Private Bill)

No. 20

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Township of East York.

MR. HENRY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of East York.

WHEREAS the Corporation of the Township of East York has by its petition prayed for special legislation to validate by-law number 3408; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law
3408
validated.

1. By-law number 3408 passed by the council of the Corporation of the Township of East York on the 13th day of February, 1942, set forth as Schedule A hereto, providing for the Corporation assuming as the Corporation's share of the cost of a local improvement known as Governor's Bridge, that proportion of the cost thereof which has not been assessed prior to the 1st day of January, 1942, is hereby ratified and confirmed and declared to be legal, valid and binding.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Township of East York Act, 1942*.

SCHEDULE A

TOWNSHIP OF EAST YORK

BY-LAW NUMBER 3408

To provide for the Corporation assuming as the Corporation's share of the cost of a local improvement known as Governor's Bridge, that proportion of the cost thereof which has not been assessed prior to the 1st day of January, 1942.

WHEREAS By-law Number 7151, passed by the Township of York in 1923 in pursuance of *The Local Improvement Act*, provided for charging the full cost of construction of a bridge known as Governor's Bridge, amounting to \$117,704.56 to that part of Township lot 15 in the Second Concession from the Bay as subdivided by Registered Plan 1731 and subsequently re-subdivided by Plan 2398 by assessing over a period of thirty years a proportion thereof as the owner's share and by assessing the Corporation's share as a special rate over the whole area.

AND WHEREAS the said area is now in the Township of East York.

AND WHEREAS the cost has been so assessed during the years 1924 to 1941, inclusive.

AND WHEREAS in 1923 the said bridge was constructed for the purpose of providing an entrance to the lands specially assessed therewith.

AND WHEREAS the said bridge now provides access to and from the City of Toronto for the Town of Leaside and for other portions of the Township of East York.

AND WHEREAS it is deemed inequitable and an unfair burden upon the lands to which the cost was originally assessed that the balance of the cost thereof should be paid by the said area.

THEREFORE BE IT ENACTED by the Council of the Township of East York as follows:

THAT the Corporation of the Township of East York assume, in lieu of the share of the said local improvement which the Corporation would have paid initially had it been so provided by By-law Number 7151 of the Township of York, the owner's portion and the area's portion of the balance of the cost of the said local improvement known as Governor's Bridge as provided by By-law Number 7151 of the Township of York, and that from and after the 1st day of January, 1942, no further amount be assessed against the lands and premises of the area hereinabove defined as owner's portion or area's portion for defraying the cost of the said Governor's Bridge but that the balance of the cost of such local improvement be paid by the Corporation of the Township of East York.

ENACTED AND PASSED this 13th day of February, 1942.

W. H. HEATON, *Clerk.*

J. WARREN, *Reeve.*

BILL

An Act respecting the Township
of East York.

1st Reading

March 31st, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. HENRY

1942

No. 21

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1942.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Operation
of 1941, c. 1
extended.

1. Notwithstanding anything contained in section 4 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, all the other provisions of the said Act shall be and remain in force and shall have effect until the 30th day of June, 1943.

No proceed-
ings without
consent.

2. Until after the 30th day of June, 1943, in so far as any property, real or personal, in Ontario is concerned, without the consent in writing of the Attorney-General,—

(a) no proceedings shall be taken or continued under any order heretofore made in the Supreme Court of Ontario for the purpose of realizing on the security of the mortgage referred to in section 1 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*,

(b) no further step shall be taken or order made for the purpose of realizing on the security of the said mortgage in any action now pending in the Supreme Court of Ontario, and

(c) no further action shall be brought in the Courts of Ontario for the purpose of realizing on the security of the said mortgage.

Termina-
tion of Act.

3. The Lieutenant-Governor in Council may at any time terminate the operation of this Act.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*.

EXPLANATORY NOTE

The effect of the Bill is to extend the operation of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, until June 30th, 1943.

The Abitibi Power & Paper Company
Limited Moratorium Act, 1942.

1st Reading

March 24th, 1942

2nd Reading

3rd Reading

MR. HERRICK (Elgin)

No. 21

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1942.

MR. HEPBURN (Elgin)

TORONTO
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BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Operation
of 1941, c. 1
extended.

1. Notwithstanding anything contained in section 4 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, all the other provisions of the said Act shall be and remain in force and shall have effect until the 30th day of June, 1943.

No proceed-
ings without
consent.

2. Until after the 30th day of June, 1943, in so far as any property, real or personal, in Ontario is concerned, without the consent in writing of the Attorney-General,—

(a) no proceedings shall be taken or continued under any order heretofore made in the Supreme Court of Ontario for the purpose of realizing on the security of the mortgage referred to in section 1 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*,

(b) no further step shall be taken or order made for the purpose of realizing on the security of the said mortgage in any action now pending in the Supreme Court of Ontario, and

(c) no further action shall be brought in the Courts of Ontario for the purpose of realizing on the security of the said mortgage.

Termina-
tion of Act.

3. The Lieutenant-Governor in Council may at any time terminate the operation of this Act.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*.

BILL

The Abitibi Power & Paper Company
Limited Moratorium Act, 1942.

1st Reading

March 24th, 1942

2nd Reading

March 25th, 1942

3rd Reading

March 26th, 1942

MR. HEPBURN (Elgin)

1942

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Abitibi Moratorium Constitutional Question Act, 1942.

MR. HEPBURN (Elgin)

No. 22

1942

BILL

The Abitibi Moratorium Constitutional Question Act, 1942.

Preamble.

WHEREAS in an action in the Supreme Court of Ontario between Montreal Trust Company, as plaintiff, and Abitibi Power & Paper Company Limited, Joseph P. Ripley, Stanton Griffis, Milton C. Cross, W. H. Somerville, Robert H. Reid, Andrew Fleming and W. A. Arbuckle, as defendants, an order was made by the Honourable Mr. Justice Middleton, dated the 4th day of December, 1941, whereby amongst other things there was ordered the sale of all the real and personal property, assets and effects of the defendant Abitibi Power & Paper Company Limited; and whereas by judgment of the Court of Appeal for Ontario, dated the 21st day of March, 1942, an appeal by the defendant Abitibi Power & Paper Company Limited from the said order was dismissed; and whereas in the said proceedings the constitutional validity of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, was brought in question and the said Act was held to be invalid; and whereas pursuant to the provisions of section 32 of *The Judicature Act* notice was duly given to the Attorney-General that the constitutional validity of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, would be brought in question in the said proceedings and the Attorney-General personally and by counsel appeared in the said proceedings, but neither the Attorney-General nor His Majesty in right of the Province of Ontario was or is formally a party to the said action; and whereas it is desirable that the question of the constitutional validity of the said Act be passed upon by the Court of last resort;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appeal to
Privy
Council.

Rev. Stat.,
cc. 98, 100.

1.—(1) Notwithstanding anything contained in *The Privy Council Appeals Act*, *The Judicature Act* or any other Act or any rules or regulations made thereunder an appeal shall lie to His Majesty in His Privy Council from the judgment of the Court of Appeal for Ontario in a certain action in the Supreme Court of Ontario between Montreal Trust Company, as plaintiff, and Abitibi Power & Paper Company Limited,

EXPLANATORY NOTE

The Bill permits an appeal to be taken by the Abitibi Power & Paper Company Limited from a judgment of the Court of Appeal dated March 21st, 1942, dismissing an appeal from an order of the Honourable Mr. Justice Middleton dated December 4th, 1941, wherein the sale of all the real and personal property, assets and effects of the Abitibi Power & Paper Company Limited was ordered and *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, was declared *ultra vires*.

Joseph P. Ripley, Stanton Griffis, Milton C. Cross, W. H. Somerville, Robert H. Reid, Andrew Fleming and W. A. Arbuckle, as defendants, such judgment being dated the 21st day of March, 1942, and being a judgment dismissing an appeal from an order of the Honourable Mr. Justice Middleton, dated the 4th day of December, 1941, whereby amongst other things there was ordered the sale of all the real and personal property, assets and effects of the defendant Abitibi Power & Paper Company Limited.

Execution
stayed.

Rev. Stat.,
cc. 98, 100.

(2) Such appeal may be taken by the defendant Abitibi Power & Paper Company Limited and notwithstanding anything contained in *The Privy Council Appeals Act*, *The Judicature Act* or any other Act or any rules or regulations made thereunder such appeal by such defendant shall be allowed and admitted and thereupon all proceedings under the said order or the said judgment and all execution of, on or under the said order or the said judgment shall be stayed pending the determination of such appeal, the whole without the giving of any security; and the provisions of section 8 of *The Constitutional Questions Act* shall apply to such appeal in all respects as though such appeal were an appeal by His Majesty in right of the Province of Ontario from a judgment of a Court on a reference under *The Constitutional Questions Act*.

Rev. Stat.,
c. 130.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Abitibi Moratorium Constitutional Question Act, 1942*.

BILL

The Abitibi Moratorium Constitutional
Question Act, 1942.

1st Reading

March 24th, 1942

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

1942

No. 22

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Abitibi Moratorium Constitutional Question Act, 1942.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Abitibi Moratorium Constitutional Question Act, 1942.

Preamble.

WHEREAS in an action in the Supreme Court of Ontario between Montreal Trust Company, as plaintiff, and Abitibi Power & Paper Company Limited, Joseph P. Ripley, Stanton Griffis, Milton C. Cross, W. H. Somerville, Robert H. Reid, Andrew Fleming and W. A. Arbuckle, as defendants, an order was made by the Honourable Mr. Justice Middleton, dated the 4th day of December, 1941, whereby amongst other things there was ordered the sale of all the real and personal property, assets and effects of the defendant Abitibi Power & Paper Company Limited; and whereas by judgment of the Court of Appeal for Ontario, dated the 21st day of March, 1942, an appeal by the defendant Abitibi Power & Paper Company Limited from the said order was dismissed; and whereas in the said proceedings the constitutional validity of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, was brought in question and the said Act was held to be invalid; and whereas pursuant to the provisions of section 32 of *The Judicature Act* notice was duly given to the Attorney-General that the constitutional validity of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, would be brought in question in the said proceedings and the Attorney-General personally and by counsel appeared in the said proceedings, but neither the Attorney-General nor His Majesty in right of the Province of Ontario was or is formally a party to the said action; and whereas it is desirable that the question of the constitutional validity of the said Act be passed upon by the Court of last resort;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appeal to
Privy
Council.

Rev. Stat.,
cc. 98, 100.

1.—(1) Notwithstanding anything contained in *The Privy Council Appeals Act*, *The Judicature Act* or any other Act or any rules or regulations made thereunder an appeal shall lie to His Majesty in His Privy Council from the judgment of the Court of Appeal for Ontario in a certain action in the Supreme Court of Ontario between Montreal Trust Company, as plaintiff, and Abitibi Power & Paper Company Limited,

Joseph P. Ripley, Stanton Griffis, Milton C. Cross, W. H. Somerville, Robert H. Reid, Andrew Fleming and W. A. Arbuckle, as defendants, such judgment being dated the 21st day of March, 1942, and being a judgment dismissing an appeal from an order of the Honourable Mr. Justice Middleton, dated the 4th day of December, 1941, whereby amongst other things there was ordered the sale of all the real and personal property, assets and effects of the defendant Abitibi Power & Paper Company Limited.

(2) Such appeal may be taken by the defendant Abitibi Power & Paper Company Limited and notwithstanding anything contained in *The Privy Council Appeals Act*, *The Judicature Act* or any other Act or any rules or regulations made thereunder such appeal by such defendant shall be allowed and admitted and thereupon all proceedings under the said order or the said judgment and all execution of, on or under the said order or the said judgment shall be stayed pending the determination of such appeal, the whole without the giving of any security; and the provisions of section 8 of *The Constitutional Questions Act* shall apply to such appeal in all respects as though such appeal were an appeal by His Majesty in right of the Province of Ontario from a judgment of a Court on a reference under *The Constitutional Questions Act*. ^{Execution stayed.} ^{Rev. Stat., cc. 98, 100.} ^{Rev. Stat., c. 130.}

2. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

3. This Act may be cited as *The Abitibi Moratorium Constitutional Question Act, 1942*. ^{Short title.}

BILL

The Abitibi Moratorium Constitutional
Question Act, 1942.

1st Reading

March 24th, 1942

2nd Reading

March 25th, 1942

3rd Reading

March 26th, 1942

MR. HEPPURN (Elgin)

1942

No. 23

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Prevention of Venereal Disease.

MR. KIRBY

BILL

An Act respecting the Prevention of Venereal Disease.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"medical
officer of
health";

(a) "medical officer of health" shall mean medical officer of health appointed under *The Public Health Act*;

"Minister";

(b) "Minister" shall mean Minister of Health;

"place of
detention";

(c) "place of detention" shall mean hospital, sanatorium, gaol, lock-up, reformatory, Ontario Training Schools, industrial farm, industrial refuge or any place designated as a place of detention by the Lieutenant-Governor in Council but shall not include an isolation hospital for the care of communicable diseases, other than venereal disease, as defined by *The Public Health Act*;

"physician"

(d) "physician" shall mean a legally qualified medical practitioner;

"pre-
scribed";

(e) "prescribed" shall mean prescribed by the regulations;

"regula-
tions";

(f) "regulations" shall mean regulations made under the authority of this Act or *The Public Health Act*; and

"venereal
disease".

(g) "venereal disease" shall mean syphilis, gonorrhoea or chancroid.

Infected
person to
submit to
treatment.

2.—(1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident who shall direct his course of conduct and treatment.

EXPLANATORY NOTES

GENERAL. This Act will replace *The Venereal Diseases Prevention Act*, R.S.O. 1937, chapter 301. The provisions for preventing the spread of venereal disease are by this Act made more effective.

SECTION 1. The definition clauses are self-explanatory. A "place of detention" as defined in clause *c* includes places to which a person infected with venereal disease may be admitted for treatment.

SECTION 2. Requires persons infected with venereal disease to take treatment.

Certificate. (2) Every such person shall continue treatment until he obtains from the attending physician a notice in writing that he has received adequate treatment.

Penalty. (3) Every person who fails to comply with any of the provisions of this section shall incur a penalty of not less than \$100 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months.

Duty to report. **3.—**(1) It shall be the duty of,—

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, school or college, industrial, female or other refuge, or other similar institution,

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time.

within twenty-four hours. (2) The report in the prescribed form shall be completed and forwarded to the Minister within twenty-four hours after the first diagnosis, treatment or knowledge by or of such physician, head or other person.

Action of m.o.h. on reasonable belief. **4.—**(1) Where a medical officer of health has reasonable grounds for believing that a person within the municipality is or may be infected with venereal disease or has been exposed to infection, the medical officer of health may give notice in writing in the prescribed form to such person directing him to submit to an examination by a physician designated by or satisfactory to the medical officer of health, and to procure and produce to the medical officer of health within the time specified in the notice, a report or certificate of the physician that such person is or is not infected with venereal disease.

Penalty. (2) Every person who without reasonable excuse, the proof of which shall be upon him, fails to comply with a direction made under subsection 1 shall incur a penalty of not less than \$100 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months.

Powers of m.o.h. on report. (3) If by the report or certificate mentioned in subsection 1, it appears that the person so notified is infected with venereal disease, the medical officer of health may,—

SECTION 3. Requires physicians as well as the officials indicated in clauses *b* and *c* to report to the Minister all cases of venereal disease of which they have personal knowledge.

SECTION 4. Authorizes the medical officer of health to require any person whom he believes to be infected with venereal disease to be examined by a physician and where disease exists to take treatment therefor.

- (a) deliver to such person directions in the prescribed form as to the course of conduct to be pursued and may require such person to produce from time to time evidence satisfactory to the medical officer of health that he is undergoing adequate medical treatment and is in other respects carrying out such directions, and where such person fails to comply with the course of conduct prescribed for him or to produce the evidence required, the medical officer of health may exercise all the powers vested in him by clause *b* or may proceed under section 5; or
- (b) with the approval of the Minister, order in writing that such person be removed and detained in a place of detention for the prescribed treatment until such time as the medical officer of health is satisfied that an adequate degree of treatment has been attained.

Duties of
peace officer
on order
of m.o.h.

(4) Where a medical officer of health makes an order under clause *b* of subsection 3 he shall deliver the order to a peace officer who shall thereupon take the person named in the order into his custody and remove him to the place of detention named in the order, and the person for the time being in charge of the place of detention, upon receiving such order, shall receive such person and shall detain him until he is authorized by the medical officer of health to release him.

Where
person
certified
within
one year.

(5) A medical officer of health may adopt the procedure or do any of the acts referred to in subsection 3 with regard to any person who has been examined by a physician at any time within one year previously and has been certified by such physician to be infected with syphilis.

More than
one examina-
tion may be
required.

(6) A medical officer of health may require a person whom he believes may be infected with venereal disease to undergo more than one examination in order to determine the presence or absence of such infection.

Informa-
tion or
complaint.

5.—(1) Any medical officer of health may make a complaint or lay an information in writing and under oath before a justice of the peace charging that the circumstances set out in clauses *a*, *b* and *c* of subsection 5 exist with regard to any person named in such complaint or information.

Issue of
summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out he shall issue a summons directed to the person complained of requiring him

SECTION 5. Provides for a medical officer of health laying a complaint or information before a justice of the peace charging that any person,

to appear before a magistrate at a time and place named therein.

Issue of
warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's
inquiry.

(4) Where a person appears or is brought before a magistrate under this section the magistrate shall inquire into the truth of the matters charged in the complaint or information and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have the powers of a magistrate holding a hearing under that Act.

Rev. Stat.,
c. 136.

Order for
detention.

(5) Where a magistrate finds that any person,—

(a) is infected with a venereal disease;

(b) is unwilling or unable to conduct himself in such a manner as not to expose other persons to the danger of infection; and

(c) refuses or neglects to continue treatment as required by this Act and the regulations,

he shall order that such person be admitted to and detained in a place of detention for such period not exceeding one year as the magistrate may deem necessary.

Laboratory
certificate
prima facie
evidence.

(6) In any inquiry under this section a certificate as to the result of any test made, signed or purporting to be signed by the director of a laboratory approved by the Minister shall be *prima facie* evidence of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature.

Extension
of deten-
tion.

(7) Any person detained under this section may, with the approval in writing of the Minister be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still infected with venereal disease and in need of further treatment, he may order that such person be further detained for such period not exceeding one year as the magistrate may deem necessary.

Discharge by
Minister.

(8) Where the Minister is of the opinion that any person detained under this section is no longer infected with venereal disease or has received an adequate degree of treatment, he may direct the discharge of such person.

- (a) is suffering from a venereal disease;
- (b) is unable or unwilling to conduct himself in such a manner as not to expose other persons to danger of infection; and
- (c) refuses or neglects to continue treatment as required by this Act and the regulations.

If the justice of the peace is satisfied that such a condition exists the person is required to attend before a magistrate and the magistrate may require such person to be detained in a place of detention for treatment for a period not exceeding one year. This period may later be extended where necessary.

Examination
by physician
in charge
of place of
detention.

6.—(1) Where any physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge has reason to believe that any person under his charge may be infected with venereal disease or has been exposed to infection with venereal disease, he may, and if he is directed by the medical officer of health, he shall cause such person to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if such examination discloses that he is so infected such physician shall report the facts to the medical officer of health who may thereupon exercise the powers vested in him by section 8.

Duty of
physician
in charge of
place of
detention.

(2) Where an examination has not been made under this section every physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge shall report to the medical officer of health the name and place of confinement of any person under his charge whom he suspects or believes to be infected with venereal disease and such report shall be made within twenty-four hours after he suspects or believes such person to be so infected.

Duplicate
report.

(3) A copy or statement of every report made under this section shall be forwarded to the Minister and to the medical officer of health of the municipality in which such person resided before being admitted to such institution by the physician making the report.

Examina-
tion of
person in
custody or
committed
to prison.

7. When a medical officer of health believes that any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, has been or may be infected or has been exposed to infection with venereal disease, he may cause such person to undergo such examination as may be necessary, in order to ascertain whether or not such person is infected with venereal disease, or to ascertain the extent of infection with venereal disease, and may direct that such person shall remain in custody until the results of such examination are known.

Treatment
where
disease
found to
exist.

8. Where any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, is found to be infected with venereal disease the medical officer of health may by order in writing direct that such person undergo

SECTION 6. Physicians in medical charge of certain institutions who have reason to believe that any person in the institution may be infected with venereal disease may, and if directed by the medical officer of health shall, cause the person to undergo an examination and where disease is found to exist the physician is required to report the facts to the medical officer of health. Where an examination is not held the physician in medical charge of the institution shall report to the medical officer of health the name of any person whom he suspects is infected with venereal disease.

SECTION 7. A medical officer of health may cause any person in custody whether awaiting trial or serving a sentence, to undergo an examination to determine whether and to what extent he is infected with venereal disease.

SECTION 8. Where any of the persons mentioned in section 7 are found to be infected with venereal disease the medical officer of health may direct that such person undergo treatment therefor and that he be detained in custody until cured.

treatment therefor and that such action be taken as the medical officer of health or the Minister may deem advisable for his isolation and the prevention of infection by him, and that he be detained in custody until cured or until he has received a degree of treatment considered adequate by the attending physician and the Minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section shall be sufficient warrant to the person to whom the order is addressed to carry out the terms thereof.

Physician
to report
person
refusing to
continue
treatment.

9.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician and the Minister, the physician shall report to the Minister the name and address of such person together with such other information as may be required by the regulations.

Failure
to attend
within seven
days.

(2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister within fourteen days of the appointment.

Penalty.

(3) A physician who fails to report as required by this section shall incur a penalty of not less than \$25 and not more than \$100.

Supply of
drugs, etc.,
by unquali-
fied persons
prohibited.

10.—(1) No person other than a physician shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

Penalty.

(2) Every person who contravenes subsection 1 shall incur a penalty of not less than \$100 and not more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months.

Exception
as to
emists.

(3) Subsection 1 shall not apply to a registered pharmaceutical chemist who dispenses to a patient of a physician upon a written prescription signed by such physician or who sells to any person any patent, proprietary or other medicine, drug or appliance approved by the regulations for the cure or alleviation of venereal disease provided that no prescription shall be filled more than once except upon the written direction of the prescribing physician.

Offences.

11.—(1) Every person who,—

(a) wilfully neglects or disobeys any order or direction given by a medical officer of health or the Minister or Deputy Minister under this Act or the regulations;

SECTION 9. A person who improperly discontinues treatment for venereal disease shall be reported to the Minister by the attending physician and a penalty is provided for failure on the part of the physician to so report.

SECTION 10. Persons other than physicians are prohibited from attending upon or prescribing for or supplying drugs to persons suffering from venereal disease for the purpose of the alleviation or cure of such disease. Pharmaceutical chemists dispensing a written prescription signed by a physician or selling an approved medicine or appliance are exempted from this provision.

SECTION 11. Penalties are provided for the acts indicated in clauses *a, b, c, d* and *e* and *The Summary Convictions Act* is made to apply to prosecutions under this Act. Proceedings under the Act are to be conducted *in camera*.

- (b) hinders, delays or obstructs any medical officer of health, peace officer or other person acting in the performance of his duties under this Act;
- (c) publishes any proceedings taken under this Act or the regulations contrary to subsection 2;
- (d) wilfully represents himself as bearing some other name than his own or makes any false statements as to his ordinary place of residence during the course of his treatment for any venereal disease with the purpose of concealing his identity; or
- (e) fails to comply with any of the provisions of this Act or the regulations;

shall, where no other penalty is prescribed, incur a penalty of not less than \$25 nor more than \$100 and in default of immediate payment shall be imprisoned for a period not exceeding three months.

Prosecu-
tions.
Rev. Stat.,
c. 136.

(2) *The Summary Convictions Act* shall apply to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act and proceedings authorized by section 5 shall be conducted in camera and no person shall publish or disclose any such proceedings except under the authority of this Act or the regulations.

Statements
as to
existence
of disease.

12.—(1) Every person who publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of \$200 and in default of immediate payment shall be imprisoned for a period of not more than six months.

Exceptions.

(2) Subsection 1 shall not apply to a communication or disclosure made in good faith,—

- (a) to a Minister or Deputy Minister of Health;
- (b) to a medical officer of health for his information in carrying out the provisions of this Act;
- (c) to a physician;
- (d) in the course of consultation for treatment for venereal disease;
- (e) to the superintendent or head of any public hospital, sanatorium or place of detention;

SECTION 12. Penalties are provided for persons who intimate that other persons have been dealt with under *The Venereal Diseases Prevention Act*. Certain necessary communications between physicians and officials are exempted from the penalty provision as well as communications between a physician and a member of a patient's family where the communication is for the protection of health.

(f) to any evidence given in any judicial proceedings of facts relevant to the issue; or

(g) to any communication authorized or required to be made by this Act or the regulations.

Information
to family.

(3) Notwithstanding the provisions of subsection 1 a physician may give information concerning the patient to other members of the patient's family for the protection of health.

Obligation
to observe
secrecy.

13. Every person engaged in the administration of this Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment and shall not communicate any such matter to any other person except in the performance of his duties under this Act or when instructed to do so by a medical officer of health or the Minister and in default he shall in addition to any other penalty forfeit his office or be dismissed from his employment.

Laboratory
reports.

14. No person shall issue or make available to any person other than a physician or such persons as are engaged in the administration of this Act any laboratory report either in whole or in part of an examination made to determine the presence or absence of venereal disease.

Hospitals
to make
provision
for treat-
ment, etc.

Rev. Stat.,
c. 299.

15. Every hospital receiving aid from Ontario, except isolation hospitals for the care of communicable diseases as defined by *The Public Health Act* shall make adequate provision for the reception, examination and treatment, upon such terms as may be prescribed, of such persons or classes of persons infected with venereal disease as may by this Act or the regulations be required or permitted to be treated at such hospital and in case of default the Treasurer of Ontario may withhold from any hospital the whole or any part of any grant or subsidy which would otherwise be payable.

M.O.H.
to make
provision for
treatment.

16. The medical officer of health of each municipality shall make provision for the adequate treatment of all persons infected with venereal disease within such municipality when such persons apply or are referred to him or when requested to do so by the Minister.

Payment of
expenses by
municipalities.

17.—(1) The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed, materials or supplies furnished, or any expenditure incurred under the direction of the medical officer of health in carrying out the provisions of this Act and the regulations.

Secrecy as
to name.

(2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any

SECTION 13. Persons engaged in the administration of the Act are required to observe secrecy on penalty of loss of position.

SECTION 14. A limitation is placed upon the use of laboratory reports of examinations to determine the presence or absence of venereal disease.

SECTION 15. Hospitals receiving aid from the Province, except isolation hospitals, are required to make provision for the reception, examination and treatment of persons infected with venereal disease.

SECTION 16. Medical officers of health are required to make provision for the adequate care and treatment of persons within the municipality infected with venereal disease.

SECTION 17. Treasurers of municipalities are required to pay certain expenses incurred under the Act and the regulations. Secrecy must be observed with regard to the name of any person in respect of whom expenses have been incurred.

account in connection with treatment therefor, but the case may be designated by a number or otherwise and it shall be the duty of every local board of health to see that secrecy is preserved.

Penalty.

(3) Every person who contravenes the provisions of subsection 2 shall be guilty of an offence and shall incur the penalties provided by sections 12 and 13.

Transfer
to other
municipality.

18. Where any direction or order of a medical officer of health or magistrate involves the transfer of a person infected with venereal disease from one municipality to another municipality,—

- (a) the medical officer of health of the second municipality shall, upon such transfer being effected and until the return of such person to the first municipality, exercise all the powers and perform all the duties conferred or imposed by this Act or the regulations upon a medical officer of health with respect to such person;
- (b) the liability of the first municipality under section 17 shall extend to any account for services performed, materials or supplies furnished or any expenditure incurred in respect of such person under the direction of the medical officer of health for the second municipality in carrying out the provisions of this Act and the regulations; and
- (c) a duplicate original of every written report made by the person in medical charge of a place of detention in which such person is placed in the second municipality to the medical officer of health thereof shall be sent forthwith to the medical officer of health of the first municipality.

Places of
detention—
maintenance,
conduct.

19. Where a person is admitted to a place of detention under the provisions of this Act, whether such admission is voluntary or under the order of a magistrate or medical officer of health,—

- (a) subject to the regulations, the provisions of law relating to the liability for and payment of maintenance of patients, inmates or pupils in such place of detention shall apply; and
- (b) such person shall be subject to all rules, regulations and provisions of law governing the conduct of patients, inmates or pupils of such place of detention.

SECTION 18. This section prescribes the procedure, liability of municipalities and transfer of authority as between medical officers of health where a patient is transferred from one municipality to another.

SECTION 19. Where a person is admitted to a place of detention under the provisions of this Act the law relating to the liability for maintenance of persons in such places of detention is made to apply, subject to any change therein that may be effected by the regulations. Every person admitted to a place of detention under the provisions of this Act is subject to the regulations governing the conduct of patients, inmates or pupils therein.

Where
person
infected
is under
sixteen
years of age.

20. Where any person infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

Regula-
tions.

21.—(1) The Lieutenant-Governor in Council may make regulations,—

Examina-
tions.

(a) prescribing the method and extent of the examination of any person for the purpose of ascertaining whether or not such person is infected with venereal disease or the extent of such infection;

Conduct of
patient.

(b) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons;

Hospitals.

(c) prescribing the hospitals which shall furnish treatment to persons or any classes of persons infected with venereal disease;

Treatment.

(d) prescribing rules for the treatment of persons infected with venereal disease in hospitals, places of detention and other places;

Preventing
infection.

(e) for preventing the spread of infection from persons suffering from venereal disease;

Distributing
information.

(f) for distributing to physicians and hospitals information as to the treatment, diet and care of persons infected with venereal disease and requiring physicians and hospitals to distribute the information to such persons;

Approval of
remedies.

(g) providing for the approval by the Minister of methods and remedies for the treatment, alleviation and cure of venereal disease;

Notices.

(h) providing for the display of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure;

SECTION 20. Where a person infected with venereal disease is under sixteen years of age special provisions are applicable, as set out in this section.

SECTION 21. The Lieutenant-Governor in Council is authorized to make regulations in respect of the various matters indicated. The Minister, with the approval of the Lieutenant-Governor in Council, is authorized, out of the moneys appropriated by the Legislature, to provide for the payment of the expenses incurred in carrying out the provisions of the Act and the regulations.

- Forms. (i) prescribing the forms of notices, certificates and reports required or authorized to be given or issued under this Act;
- Progress reports. (j) requiring every physician to furnish reports with respect to the condition and treatment of persons infected with venereal disease who are or who have been under his diagnosis, treatment, care or charge;
- Procedure on appeal. (k) prescribing the procedure to be followed and the evidence required in case of an appeal to the Minister from any action or decision of a medical officer of health under this Act;
- Patent medicines. (l) approving patent, proprietary or other medicines, drugs or appliances for the cure or alleviation of venereal disease;
- Clinics. (m) providing for the establishment of and furnishing of financial assistance to clinics for the treatment of venereal disease and for the regulation and control of such clinics;
- Grants. (n) providing for the making of grants or payments in respect of the maintenance, hospitalization or special treatments for any class or classes of patients in places of detention or elsewhere in addition to or in lieu of any other moneys which may be payable in respect of such maintenance, hospitalization or special treatments.
- Fees. (o) prescribing fees which shall be paid under this Act;
- Sending. (p) prescribing the mode of sending or giving any notice, report or direction required or permitted to be sent or given by this Act or the regulations; and
- Generally. (q) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

Expenses of free distribution. (2) The Minister, with the approval of the Lieutenant-Governor in Council, may, out of any moneys appropriated by the Legislature for the purposes of this Act, provide for the payment of the expenses incurred in carrying out this Act and the regulations including the manufacture and free distribution to local boards of health, physicians and hospitals of any drug, medicine, appliance or instrument which the Minister may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therewith.

Appeal to
Department.

22.—(1) Every person who deems himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the Minister by giving notice in writing to the Minister and to the medical officer of health.

Evidence
on appeal.

(2) The Minister may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Minister may deem necessary to determine the matter in dispute.

Decision
final.

(3) The decision of the Minister shall be final.

Actions.

23. No action or other proceeding shall be brought against any physician in respect of any examination or certificate given or required to be given by him under this Act, without the consent in writing of the Minister.

Right of
entry.

24. The medical officer of health or a physician designated by him in writing for the purpose may enter in and upon any house, outhouse or premises in the day time for the purpose of making inquiry and examination with respect to the state of the health of any person therein and may cause any person found therein who is infected with any venereal disease to be removed to a place of detention or may give such directions as may prevent other persons in the same house, outhouse or premises from being infected.

Powers of
Deputy
Minister.

25. The Deputy Minister of Health and any officer of the Department designated by the Minister shall be medical officers of health for Ontario within the meaning of this Act.

Delegation
of powers.

26. The Minister may delegate to the Deputy Minister of Health or any other officer of the Department of Health any of the powers vested in him under this Act or the regulations.

Administra-
tion of
Act not to
interfere
with course
of justice.

27. The administration of this Act and the regulations shall not interfere with the course of justice in the case of any person under arrest or in custody previous to trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder, provided that where it is necessary for the purpose of any examination authorized or required by this Act, such person may be held in custody until the results of the examination are known.

Rev. Stat.,
c. 301; 1938,
c. 37, s. 26;
1939, c. 53;
1940, c. 28,
s. 28;
1941, c. 62,
repealed.

28. *The Venereal Diseases Prevention Act*, being chapter 301 of the Revised Statutes of Ontario, 1937, section 26 of *The Statute Law Amendment Act, 1938*, *The Venereal Diseases Prevention Amendment Act, 1939*, section 28 of *The Statute*

SECTION 22. Persons aggrieved by any action or decision of a medical officer of health may appeal to the Minister whose decision shall be final.

SECTION 23. Self-explanatory.

SECTION 24. A medical officer of health or a physician designated by him may enter any premises to inquire as to the state of health of any person therein.

SECTION 25. Self-explanatory.

SECTION 26. Self-explanatory.

SECTION 27. This Act shall not interfere with the due trial of any person charged with any offence.

Law Amendment Act, 1940, and *The Venereal Diseases Prevention Amendment Act, 1941*, are repealed.

Short title.

29. This Act may be cited as *The Venereal Diseases Prevention Act, 1942*.

Bill
An Act respecting the Prevention of
Venereal Disease.

1st Reading

March 26th, 1942

2nd Reading

3rd Reading

MR. KIRBY

No. 23

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Prevention of Venereal Disease.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Prevention of Venereal Disease.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

“medical
officer of
health”;

“Minister”;

“place of
detention”;

“physician”

“pre-
scribed”;

“regula-
tions”;

“venereal
disease”.

Infected
person to
submit to
treatment.

1. In this Act,—

- (a) “medical officer of health” shall mean medical officer of health appointed under *The Public Health Act*;
- (b) “Minister” shall mean Minister of Health;
- (c) “place of detention” shall mean hospital, sanatorium, gaol, lock-up, reformatory, Ontario Training Schools, industrial farm, industrial refuge or any place designated as a place of detention by the Lieutenant-Governor in Council but shall not include an isolation hospital for the care of communicable diseases, other than venereal disease, as defined by *The Public Health Act*;
- (d) “physician” shall mean a legally qualified medical practitioner;
- (e) “prescribed” shall mean prescribed by the regulations;
- (f) “regulations” shall mean regulations made under the authority of this Act or *The Public Health Act*; and
- (g) “venereal disease” shall mean syphilis, gonorrhoea or chancroid.

2.—(1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident who shall direct his course of conduct and treatment.

(2) Every such person shall continue treatment until he obtains from the attending physician a notice in writing that he has received adequate treatment. ^{Certificate.}

(3) Every person who fails to comply with any of the provisions of this section shall incur a penalty of not less than \$100 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months. ^{Penalty.}

3.—(1) It shall be the duty of,—

^{Duty to report,}

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, school or college, industrial, female or other refuge, or other similar institution,

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time.

(2) The report in the prescribed form shall be completed and forwarded to the Minister within twenty-four hours after the first diagnosis, treatment or knowledge by or of such physician, head or other person. ^{within twenty-four hours.}

4.—(1) Where a medical officer of health has reasonable grounds for believing that a person within the municipality is or may be infected with venereal disease or has been exposed to infection, the medical officer of health may give notice in writing in the prescribed form to such person directing him to submit to an examination by a physician designated by or satisfactory to the medical officer of health, and to procure and produce to the medical officer of health within the time specified in the notice, a report or certificate of the physician that such person is or is not infected with venereal disease. ^{Action of m.o.h. on reasonable belief.}

(2) Every person who without reasonable excuse, the proof of which shall be upon him, fails to comply with a direction made under subsection 1 shall incur a penalty of not less than \$100 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months. ^{Penalty.}

(3) If by the report or certificate mentioned in subsection 1, it appears that the person so notified is infected with venereal disease, the medical officer of health may,— ^{Powers of m.o.h. on report.}

- (a) deliver to such person directions in the prescribed form as to the course of conduct to be pursued and may require such person to produce from time to time evidence satisfactory to the medical officer of health that he is undergoing adequate medical treatment and is in other respects carrying out such directions, and where such person fails to comply with the course of conduct prescribed for him or to produce the evidence required, the medical officer of health may exercise all the powers vested in him by clause *b* or may proceed under section 5; or
- (b) with the approval of the Minister, order in writing that such person be removed and detained in a place of detention for the prescribed treatment until such time as the medical officer of health is satisfied that an adequate degree of treatment has been attained.

Duties of
peace officer
on order
of m.o.h.

(4) Where a medical officer of health makes an order under clause *b* of subsection 3 he shall deliver the order to a peace officer who shall thereupon take the person named in the order into his custody and remove him to the place of detention named in the order, and the person for the time being in charge of the place of detention, upon receiving such order, shall receive such person and shall detain him until he is authorized by the medical officer of health to release him.

Where
person
certified
within
one year.

(5) A medical officer of health may adopt the procedure or do any of the acts referred to in subsection 3 with regard to any person who has been examined by a physician at any time within one year previously and has been certified by such physician to be infected with syphilis.

More than
one examina-
tion may be
required.

(6) A medical officer of health may require a person whom he believes may be infected with venereal disease to undergo more than one examination in order to determine the presence or absence of such infection.

Informa-
tion or
complaint.

5.—(1) Any medical officer of health may make a complaint or lay an information in writing and under oath before a justice of the peace charging that the circumstances set out in clauses *a*, *b* and *c* of subsection 5 exist with regard to any person named in such complaint or information.

Issue of
summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out he shall issue a summons directed to the person complained of requiring him

to appear before a magistrate at a time and place named therein.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him. Issue of warrant.

(4) Where a person appears or is brought before a magistrate under this section the magistrate shall inquire into the truth of the matters charged in the complaint or information and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have the powers of a magistrate holding a hearing under that Act. Magistrate's inquiry.
Rev. Stat., c. 136.

(5) Where a magistrate finds that any person,—

Order for detention.

- (a) is infected with a venereal disease;
- (b) is unwilling or unable to conduct himself in such a manner as not to expose other persons to the danger of infection; and
- (c) refuses or neglects to continue treatment as required by this Act and the regulations,

he shall order that such person be admitted to and detained in a place of detention for such period not exceeding one year as the magistrate may deem necessary.

(6) In any inquiry under this section a certificate as to the result of any test made, signed or purporting to be signed by the director of a laboratory approved by the Minister shall be *prima facie* evidence of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature. Laboratory certificate prima facie evidence.

(7) Any person detained under this section may, with the approval in writing of the Minister be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still infected with venereal disease and in need of further treatment, he may order that such person be further detained for such period not exceeding one year as the magistrate may deem necessary. Extension of detention.

(8) Where the Minister is of the opinion that any person detained under this section is no longer infected with venereal disease or has received an adequate degree of treatment, he may direct the discharge of such person. Discharge by Minister.

Examination
by physician
in charge
of institu-
tion.

6.—(1) Where any physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge has reason to believe that any person under his charge may be infected with venereal disease or has been exposed to infection with venereal disease, he may, and if he is directed by the medical officer of health, he shall cause such person to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if such examination discloses that he is so infected such physician shall report the facts to the medical officer of health who may thereupon exercise the powers vested in him by section 8.

Duty of
physician
in charge of
institution.

(2) Where an examination has not been made under this section every physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge shall report to the medical officer of health the name and place of confinement of any person under his charge whom he suspects or believes to be infected with venereal disease and such report shall be made within twenty-four hours after he suspects or believes such person to be so infected.

Duplicate
report.

(3) A copy or statement of every report made under this section shall be forwarded to the Minister and to the medical officer of health of the municipality in which such person resided before being admitted to such institution by the physician making the report.

Examina-
tion of
person in
custody or
committed
to prison.

7. When a medical officer of health believes that any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, has been or may be infected or has been exposed to infection with venereal disease, he may cause such person to undergo such examination as may be necessary, in order to ascertain whether or not such person is infected with venereal disease, or to ascertain the extent of infection with venereal disease, and may direct that such person shall remain in custody until the results of such examination are known.

Treatment
where
disease
found to
exist.

8. Where any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, is found to be infected with venereal disease the medical officer of health may by order in writing direct that such person undergo

treatment therefor and that such action be taken as the medical officer of health or the Minister may deem advisable for his isolation and the prevention of infection by him, and that he be detained in custody until cured or until he has received a degree of treatment considered adequate by the attending physician and the Minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section shall be sufficient warrant to the person to whom the order is addressed to carry out the terms thereof.

9.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician and the Minister, the physician shall report to the Minister the name and address of such person together with such other information as may be required by the regulations.

Physician to report person refusing to continue treatment.

(2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister within fourteen days of the appointment.

Failure to attend within seven days.

(3) A physician who fails to report as required by this section shall incur a penalty of not less than \$25 and not more than \$100.

Penalty.

10.—(1) No person other than a physician shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

Supply of drugs, etc., by unqualified persons prohibited.

(2) Every person who contravenes subsection 1 shall incur a penalty of not less than \$100 and not more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding twelve months.

Penalty.

(3) Subsection 1 shall not apply to a registered pharmaceutical chemist who dispenses to a patient of a physician upon a written prescription signed by such physician or who sells to any person any patent, proprietary or other medicine, drug or appliance approved by the regulations for the cure or alleviation of venereal disease provided that no prescription shall be filled more than once except upon the written direction of the prescribing physician.

Exception as to chemists.

11.—(1) Every person who,—

Offences.

- (a) wilfully neglects or disobeys any order or direction given by a medical officer of health or the Minister or Deputy Minister under this Act or the regulations;

- (b) hinders, delays or obstructs any medical officer of health, peace officer or other person acting in the performance of his duties under this Act;
- (c) publishes any proceedings taken under this Act or the regulations contrary to subsection 2;
- (d) wilfully represents himself as bearing some other name than his own or makes any false statements as to his ordinary place of residence during the course of his treatment for any venereal disease with the purpose of concealing his identity; or
- (e) fails to comply with any of the provisions of this Act or the regulations;

shall, where no other penalty is prescribed, incur a penalty of not less than \$25 nor more than \$100 and in default of immediate payment shall be imprisoned for a period not exceeding three months.

Prosecu-
tions.
Rev. Stat.,
c. 136.

(2) *The Summary Convictions Act* shall apply to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act and proceedings authorized by section 5 shall be conducted in camera and no person shall publish or disclose any such proceedings except under the authority of this Act or the regulations.

Statements
as to
existence
of disease.

12.—(1) Every person who publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of \$200 and in default of immediate payment shall be imprisoned for a period of not more than six months.

Exceptions.

(2) Subsection 1 shall not apply to a communication or disclosure made in good faith,—

- (a) to a Minister or Deputy Minister of Health;
- (b) to a medical officer of health for his information in carrying out the provisions of this Act;
- (c) to a physician;
- (d) in the course of consultation for treatment for venereal disease;
- (e) to the superintendent or head of any public hospital, sanatorium or place of detention;

(f) to any evidence given in any judicial proceedings of facts relevant to the issue; or

(g) to any communication authorized or required to be made by this Act or the regulations.

(3) Notwithstanding the provisions of subsection 1 a physician may give information concerning the patient to other members of the patient's family for the protection of health. Information to family.

13. Every person engaged in the administration of this Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment and shall not communicate any such matter to any other person except in the performance of his duties under this Act or when instructed to do so by a medical officer of health or the Minister and in default he shall in addition to any other penalty forfeit his office or be dismissed from his employment. Obligation to observe secrecy.

14. No person shall issue or make available to any person other than a physician or such persons as are engaged in the administration of this Act any laboratory report either in whole or in part of an examination made to determine the presence or absence of venereal disease. Laboratory reports.

15. Every hospital receiving aid from Ontario, except isolation hospitals for the care of communicable diseases as defined by *The Public Health Act* shall make adequate provision for the reception, examination and treatment, upon such terms as may be prescribed, of such persons or classes of persons infected with venereal disease as may by this Act or the regulations be required or permitted to be treated at such hospital and in case of default the Treasurer of Ontario may withhold from any hospital the whole or any part of any grant or subsidy which would otherwise be payable. Hospitals to make provision for treatment, etc. Rev. Stat., c. 299.

16. The medical officer of health of each municipality shall make provision for the adequate treatment of all persons infected with venereal disease within such municipality when such persons apply or are referred to him or when requested to do so by the Minister. M.O.H. to make provision for treatment.

17.—(1) The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed, materials or supplies furnished, or any expenditure incurred under the direction of the medical officer of health in carrying out the provisions of this Act and the regulations. Payment of expenses by municipalities.

(2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any Secrecy as to name.

account in connection with treatment therefor, but the case may be designated by a number or otherwise and it shall be the duty of every local board of health to see that secrecy is preserved.

Penalty.

(3) Every person who contravenes the provisions of subsection 2 shall be guilty of an offence and shall incur the penalties provided by sections 12 and 13.

Transfer
to other
municipality.

18. Where any direction or order of a medical officer of health or magistrate involves the transfer of a person infected with venereal disease from one municipality to another municipality,—

- (a) the medical officer of health of the second municipality shall, upon such transfer being effected and until the return of such person to the first municipality, exercise all the powers and perform all the duties conferred or imposed by this Act or the regulations upon a medical officer of health with respect to such person;
- (b) the liability of the first municipality under section 17 shall extend to any account for services performed, materials or supplies furnished or any expenditure incurred in respect of such person under the direction of the medical officer of health for the second municipality in carrying out the provisions of this Act and the regulations; and
- (c) a duplicate original of every written report made by the person in medical charge of a place of detention in which such person is placed in the second municipality to the medical officer of health thereof shall be sent forthwith to the medical officer of health of the first municipality.

Places of
detention—
maintenance,
conduct.

19. Where a person is admitted to a place of detention under the provisions of this Act, whether such admission is voluntary or under the order of a magistrate or medical officer of health,—

- (a) subject to the regulations, the provisions of law relating to the liability for and payment of maintenance of patients, inmates or pupils in such place of detention shall apply; and
- (b) such person shall be subject to all rules, regulations and provisions of law governing the conduct of patients, inmates or pupils of such place of detention.

20. Where any person infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

21.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the method and extent of the examination of any person for the purpose of ascertaining whether or not such person is infected with venereal disease or the extent of such infection; Examinations.
- (b) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons; Conduct of patient.
- (c) prescribing the hospitals which shall furnish treatment to persons or any classes of persons infected with venereal disease; Hospitals.
- (d) prescribing rules for the treatment of persons infected with venereal disease in hospitals, places of detention and other places; Treatment.
- (e) for preventing the spread of infection from persons suffering from venereal disease; Preventing infection.
- (f) for distributing to physicians and hospitals information as to the treatment, diet and care of persons infected with venereal disease and requiring physicians and hospitals to distribute the information to such persons; Distributing information.
- (g) providing for the approval by the Minister of methods and remedies for the treatment, alleviation and cure of venereal disease; Approval of remedies.
- (h) providing for the display of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure; Notices.

- Forms. (i) prescribing the forms of notices, certificates and reports required or authorized to be given or issued under this Act;
- Progress reports. (j) requiring every physician to furnish reports with respect to the condition and treatment of persons infected with venereal disease who are or who have been under his diagnosis, treatment, care or charge;
- Procedure on appeal. (k) prescribing the procedure to be followed and the evidence required in case of an appeal to the Minister from any action or decision of a medical officer of health under this Act;
- Patent medicines. (l) approving patent, proprietary or other medicines, drugs or appliances for the cure or alleviation of venereal disease;
- Clinics. (m) providing for the establishment of and furnishing of financial assistance to clinics for the treatment of venereal disease and for the regulation and control of such clinics;
- Grants. (n) providing for the making of grants or payments in respect of the maintenance, hospitalization or special treatments for any class or classes of patients in places of detention or elsewhere in addition to or in lieu of any other moneys which may be payable in respect of such maintenance, hospitalization or special treatments.
- Fees. (o) prescribing fees which shall be paid under this Act;
- Sending. (p) prescribing the mode of sending or giving any notice, report or direction required or permitted to be sent or given by this Act or the regulations; and
- Generally. (q) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

Expenses
of free dis-
tribution.

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, out of any moneys appropriated by the Legislature for the purposes of this Act, provide for the payment of the expenses incurred in carrying out this Act and the regulations including the manufacture and free distribution to local boards of health, physicians and hospitals of any drug, medicine, appliance or instrument which the Minister may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therewith.

22.—(1) Every person who deems himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the Minister by giving notice in writing to the Minister and to the medical officer of health. Appeal to Department.

(2) The Minister may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Minister may deem necessary to determine the matter in dispute. Evidence on appeal.

(3) The decision of the Minister shall be final. Decision final.

23. No action or other proceeding shall be brought against any physician in respect of any examination or certificate given or required to be given by him under this Act, without the consent in writing of the Minister. Actions.

24. The medical officer of health or a physician designated by him in writing for the purpose may enter in and upon any house, outhouse or premises in the day time for the purpose of making inquiry and examination with respect to the state of the health of any person therein and may cause any person found therein who is infected with any venereal disease to be removed to a place of detention or may give such directions as may prevent other persons in the same house, outhouse or premises from being infected. Right of entry.

25. The Deputy Minister of Health and any officer of the Department designated by the Minister shall be medical officers of health for Ontario within the meaning of this Act. Powers of Deputy Minister.

26. The Minister may delegate to the Deputy Minister of Health or any other officer of the Department of Health any of the powers vested in him under this Act or the regulations. Delegation of powers.

27. The administration of this Act and the regulations shall not interfere with the course of justice in the case of any person under arrest or in custody previous to trial for any offence under or violation of any statute of Canada or of this Legislature or any regulation, by-law or order made thereunder, provided that where it is necessary for the purpose of any examination authorized or required by this Act, such person may be held in custody until the results of the examination are known. Administration of Act not to interfere with course of justice.

28. *The Venereal Diseases Prevention Act*, being chapter 301 of the Revised Statutes of Ontario, 1937, section 26 of *The Statute Law Amendment Act, 1938*, *The Venereal Diseases Prevention Amendment Act, 1939*, section 28 of *The Statute* Rev. Stat., c. 301; 1938, c. 37, s. 26; 1939, c. 53; 1940, c. 28, s. 28; 1941, c. 62, repealed.

Law Amendment Act, 1940, and *The Venereal Diseases Prevention Amendment Act, 1941*, are repealed.

Short title

29. This Act may be cited as *The Venereal Diseases Prevention Act, 1942*.

BILL

An Act respecting the Prevention of
Venereal Disease.

1st Reading

March 26th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

Mr. Kirby

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

n Act respecting an Agreement between the Dominion of Canada and
the Province of Ontario for the Suspension of Certain Taxing Acts
by the Province during the present War.

MR. CONANT

BILL

An Act respecting an Agreement between the
Dominion of Canada and the Province of
Ontario for the Suspension of Certain
Taxing Acts by the Province
during the present War.

Preamble.

WHEREAS the Government of Canada has proposed that, having regard to the exigencies of the present war, the provinces and the municipalities therein shall suspend the imposition of income and corporations taxes in order that such taxation may, for the duration of the war, be imposed exclusively by the Dominion;

And whereas it is acknowledged by the Government and Parliament of Canada that the Province, by entering into the Agreement hereinafter referred to and set out, shall not be deemed to have surrendered, abandoned or given over to the Dominion of Canada any of the powers, rights, privileges or authority vested in the Provincial Legislature under the provisions of *The British North America Act, 1867*, or any subsequent Act of the Parliament of the United Kingdom or otherwise to have impaired any of such powers, rights, privileges or authority;

And whereas the Government and the Legislature of the Province of Ontario desire to assist and encourage the Government and Parliament of Canada to wage total war against the Axis Powers and for that reason agree to suspend temporarily the levying of said taxes in favour of the Dominion of Canada to the extent set out in said Agreement;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Authority
to sign
Agreement.

1. The Treasurer of Ontario is authorized on behalf of His Majesty the King in the right of the Province of Ontario to sign the Agreement between the Government of the Dominion of Canada and the Government of the Province of Ontario which is set out in the schedule to this Act.

EXPLANATORY NOTES

The Corporations and Income Taxes Suspension Act, 1942

The Bill authorizes the Treasurer of Ontario, on behalf of the Government of Ontario, to enter into an agreement with the Government of the Dominion of Canada, represented by the Minister of Finance for Canada. A copy of the agreement appears as a schedule to the Bill. The effect of the agreement and the Bill is to suspend the levying and collection of taxes under *The Corporations Tax Act* and *The Income Tax Act* and taxes on reciprocal exchanges imposed under *The Insurance Act* for the duration of the war. These suspensions commence in the calendar year 1941, and continue for subsequent calendar years during the operation of the agreement. Municipalities will not levy corporation income tax under section 9 of *The Assessment Act* during 1944 and subsequent years during the operation of the agreement.

The Dominion will reimburse the Province for its loss of revenue by quarterly subvention payments. The amount payable annually by the Dominion to the Province is based on Provincial collections from the taxes hereby suspended, during the fiscal year 1940-1941. This annual amount will be reduced by the amount of any arrears of taxes, under the suspended legislation, collected by the Province. Upon the termination of the agreement the full amount of the deductions made from the annual subventions will be paid to the Province.

The Dominion also undertakes to supplement the net revenue of the Province under *The Gasoline Tax Act* so as to maintain the annual net revenue from that source at the same level as during the fiscal year 1940-1941.

SECTION 1. Self-explanatory.

When
deemed to
be valid and
binding upon
the Province.

2. When the said Agreement is signed by the Treasurer of Ontario, and by the Minister of Finance for Canada under the authority of the Parliament of Canada, it shall be valid and binding upon His Majesty the King in the right of the Province of Ontario.

Levy of
personal
income tax
suspended.

3.—(1) Notwithstanding any of the provisions of *The Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-one and any subsequent year up to but not including the calendar year during which the said Agreement is terminated and no person shall be required, without a notice or demand in writing from the Controller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-one and subsequent years up to but not including the calendar year during which the said Agreement is terminated, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

Returns
under
Rev. Stat.,
c. 25.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding the said Agreement or this Act.

Levy of tax
on certain
corporations
by municipi-
ties
suspended.

4.—(1) Notwithstanding the provisions of section 9 of *The Assessment Act*, no tax shall be levied by any municipality in the calendar year nineteen hundred and forty-four or in the calendar year during which the said Agreement is terminated or in any intervening calendar year pursuant to any assessment made under the said section, but nothing herein contained shall affect the rights of any municipality to collect any tax leviable in any year prior to the year nineteen hundred and forty-four and which remains unpaid, and nothing herein contained shall relieve any corporation of the liability to make returns or to furnish information to the assessor under the provisions of the said Act.

Balance of
assessment
under Rev.
Stat., c. 272.

(2) Notwithstanding the provisions of section 2 of *The Assessment Act*, any assessment made under the provisions of section 9 of the said Act upon which, but for the provisions of this section, taxes would be levied in the calendar year 1944 and in the calendar year during which the said agree-

SECTION 2 Self-explanatory.

SECTION 3. Provides for the suspension of collection of taxes under *The Income Tax Act*.

SECTION 4. Provides for the suspension of collection of taxes under section 9 of *The Assessment Act*.

ment is terminated and in any intervening calendar year, shall be deducted from the total assessment and the balance shall be deemed to be the whole of the assessment for real property, income and business or other assessments for all purposes under the said Act.

Levy of corporation income tax suspended.

5.—(1) Notwithstanding any of the provisions of *The Corporations Tax Act, 1939*, and amendments, no tax shall be levied under sections 14 and 15 of the said Act upon income of the calendar year 1941 and any subsequent year up to but not including the calendar year during which the said Agreement is terminated.

Idem.

(2) Nothing herein contained shall affect the levy of the tax under the said sections 14 and 15 of *The Corporations Tax Act, 1939*, on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1941, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year which are in the calendar year 1941 bears to the total number of days in such fiscal year.

Idem.

(3) Nothing herein contained shall affect the levy of the tax under the said sections 14 and 15 of *The Corporations Tax Act, 1939*, on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year during which the said Agreement is terminated, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year which are in the calendar year previous to that during which the said Agreement is terminated bears to the total number of days of such fiscal year.

Levy of corporation tax suspended.

6. Notwithstanding the provisions of *The Corporations Tax Act, 1939*, and amendments, and subject to the provisions of section 5 of this Act, no tax which becomes due and payable under the provisions of the said Act after September 1st, 1941, and on or before September 1st of the calendar year during which the said Agreement is terminated, shall be levied.

Returns under 1939, c. 10.

7.—(1) Notwithstanding the provisions of section 17 of *The Corporations Tax Act, 1939*, no company the fiscal year of which ends after December 30th, 1941, and before January 1st of the calendar year during which the said Agreement is terminated, shall be required without a notice or demand in writing from the Treasurer of Ontario or from an officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand to deliver to the Treasurer a return for any fiscal year which ends between such dates.

SECTIONS 5, 6, 7. Provide for the suspension of collection of taxes under *The Corporations Tax Act*.

Idem.

(2) The provisions of the said section 17 requiring any company to deliver to the Treasurer of Ontario a return upon notice or demand in writing shall apply as if this Act had not been passed.

Fiscal years
of com-
panies.

8.—(1) Notwithstanding the provisions of subsections 2 and 3 of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act every company the fiscal year or other fiscal period of which ended on any of the first three hundred and sixty-four days of the calendar year 1940 shall be deemed to have ended the fiscal year next following exactly twelve months after the close of the first mentioned fiscal year or other fiscal period.

Idem.

(2) Subsection 1 shall not apply to a company which ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on any of the first three hundred and sixty-four days of the calendar year 1941.

Idem.

(3) Notwithstanding the provisions of subsections 2 and 3 of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act, every company the fiscal year or other fiscal period of which ended on a date during the calendar year 1940 shall be deemed to end its first fiscal year ending on or after January 1st of the calendar year during which the said Agreement is terminated, on the same date of such calendar year as its fiscal year or other fiscal period ended in the calendar year 1940.

Idem.

(4) Except as provided by subsection 3 and notwithstanding the provisions of subsections 2 and 3 of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act, every company incorporated on or after January 1st, 1940, shall be deemed to end its first fiscal year ending on or after January 1st of the calendar year during which the said Agreement is terminated on the day of such calendar year exactly twelve months or a multiple of twelve months following the day on which it was incorporated.

Idem.

(5) Subsections 3 and 4 shall not apply to the last fiscal period of a company which ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day during the period commencing January 1st of the calendar year during which the said Agreement is terminated and ending on December 31st next following.

Reciprocal
exchanges.

9. Notwithstanding the provisions of section 279 of *The Insurance Act*, no tax shall be levied under the said section on premiums or deposits collected during the calendar year

SECTION 8. Prevents a company from altering its fiscal year in such a manner as to take advantage of the combined effect of *The Corporations Tax Act* and this Act and evade payment of taxes.

SECTION 9. Reciprocal exchange insurers which pay a tax under *The Insurance Act* similar to the tax paid by other insurers under *The Corporations Tax Act* are relieved of payment of the tax for the same period as incorporated insurers are relieved of the tax payable by them under *The Corporations Tax Act*.

1941 and any subsequent calendar year up to but not including the calendar year during which the said Agreement is terminated, from subscribers in respect of risks located in Ontario.

Refunds.

10. The Treasurer of Ontario is authorized, for the purpose of carrying out the terms of the said Agreement, to make the refunds of taxes referred to therein without interest.

Distribution
of subsidy
to municipi-
palities.

11.—(1) There shall be set apart from the Consolidated Revenue Fund on December 31st of the calendar year 1941 and of the calendar year during which the said Agreement is terminated and of each intervening calendar year the sum of \$224,090.59 and the sum so set apart shall, on December 31st in each year, be credited to the cities, towns, villages and organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act, and such sum shall be in lieu of the sum provided to be set apart from the Consolidated Revenue Fund by subsection 1 of section 44 of *The Corporations Tax Act, 1939*.

Application
of 1939,
c. 10, s. 44,
subss. 2, 3,
4, 5, 6.

(2) The provisions of subsections 2, 3, 4, 5 and 6 of section 44 of *The Corporations Tax Act, 1939*, shall apply to the said sum of \$224,090.59 provided to be set apart by subsection 1.

Termination
of
Agreement.

12. The Lieutenant-Governor in Council may by order terminate the said Agreement in accordance with the terms thereof.

Commence-
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

14. This Act may be cited as *The Corporations and Income Taxes Suspension Act, 1942*.

SECTION 10. Self-explanatory.

SECTION 11. This section continues the effect as section 44 of *The Corporations Tax Act*. The amount prescribed in the section is the amount which would be set apart for the calendar year 1941 under section 44 of *The Corporations Tax Act*.

SECTIONS 12, 13, 14. Self-explanatory.

SCHEDULE

TO THE CORPORATIONS AND INCOME TAXES
SUSPENSION ACT, 1942MEMORANDUM OF AGREEMENT made this
, 1942.

day of

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA
(hereinafter called "The Dominion"), represented herein
by the Honourable James Lorimer Ilsley, Minister of
Finance,

OF THE FIRST PART,

—and—.

THE GOVERNMENT OF THE PROVINCE OF ONTARIO
(hereinafter called "The Province"), represented herein
by the Honourable Mitchell Frederick Hepburn, Treas-
urer of Ontario,

OF THE SECOND PART.

WHEREAS the Dominion and the Province and certain municipalities
in Ontario have been levying taxes upon incomes and upon corporations;
and

WHEREAS it is expedient during the continuation of the present war
and for a certain readjustment period thereafter that the Dominion
only should levy such taxes; and

WHEREAS the Province has agreed to suspend temporarily the levying
and collection of such taxes subject to the provisions hereinafter contained,
and

WHEREAS the Province shall not, by agreeing as hereinafter provided
to desist from imposing certain taxes during the term of this agreement,
be deemed to have surrendered, abandoned or given over to the Dominion
any of the powers, rights, privileges or authority vested in the Province
under the provisions of *The British North America Act, 1867*, or any sub-
sequent Act of the Parliament of the United Kingdom, or otherwise to
have impaired any of such powers, rights, privileges or authority;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. In this Agreement or any appendix thereto, unless the context
otherwise requires, the expression,—

(a) "corporation tax" means a tax or fee the imposing of which singles
out for taxation or for discriminatory rates or burdens of taxa-
tion, either formally or in effect, corporations or any class or
classes thereof or any individual corporation except,

(i) a *bona fide* and reasonable provincial license, registration,
filing or other fee, provided that, without the approval
of the Minister, no fee of a class of fees first charged or
imposed after March 31st, 1941, shall exceed \$250 per
annum for each corporation and no fee charged or imposed
on or prior to March 31st, 1941, which is in excess of
\$250 per annum for each corporation shall be increased
and no fee charged or imposed on or prior to March 31st,
1941, which is less than \$250 per annum for each corpora-
tion shall be increased to an amount in excess of \$250
per annum for each corporation,

- (ii) the fees charged for the incorporation of a company,
- (iii) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality or, where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory,
- (iv) any assessment under *The Workmen's Compensation Act*,
- (v) a business or occupancy tax based on floor space or on the rental or assessed value of property, or on gross receipts from all or part of the business or other similar basis imposed by a municipality, or in territory not included in any municipality by any authority (including the Province) having jurisdiction in such territory,

provided that all the taxes imposed by the enactments enumerated in Appendix A not being income taxes shall be deemed to be corporation taxes, and all the taxes imposed by the enactments enumerated or described in Appendix B shall be deemed not to be corporation taxes or income taxes;

- (b) "income tax" means any tax imposed upon the net income of a corporation or upon the net income or gross income of an individual or partnership and shall include a poll or head tax based on income;
- (c) "Minister" means the Minister of Finance of Canada;
- (d) "municipality" includes a city, town, village, county, township, school authority and any board, commission or other authority created by the Province, which levies or has the right to levy taxes, license fees, royalties or rates;
- (e) "year one thousand nine hundred and forty" means the fiscal year of the Province ended March 31st, 1941, and the fiscal year of any municipality ending nearest to December 31st, 1940.

2. The Province undertakes to repeal, suspend or nullify or to have repealed, suspended or nullified until the termination of this Agreement, the enactments pursuant to which income and corporation taxes are assessed and levied by the Province and the municipalities in Ontario which are enumerated in Appendix A, and any other enactments of Ontario providing for the imposition of an income tax or corporation tax, and to enact or have enacted such legislation as may be necessary to enable the Province to implement and carry out its part of this Agreement.

3.—(1) The Province will collect the income taxes imposed by the enactments enumerated in Appendix A on income of the calendar year 1940 and prior years and any arrears thereof but will not levy taxes on income of the calendar year 1941 and subsequent years during the term of this agreement.

(2) The municipalities in Ontario may collect the taxes on incomes assessed under section 9 of *The Assessment Act*, chapter 272 of the Revised Statutes of Ontario, 1937, which are levied in the calendar years 1941 and 1942 and 1943 but will not levy income or corporation taxes in subsequent years during the term of this Agreement.

4. In the case of any tax on income of a fiscal period of a taxpayer ending in the calendar year 1941, the Province will collect that proportion of the tax which the number of days of such fiscal period in the calendar year 1940 bears to the total number of days of such fiscal period, and that proportion of the tax which the number of days of such fiscal period in the calendar year 1941 bears to the total number of days of such fiscal period shall not be levied or collected.

5. The Province will refund to taxpayers any income taxes heretofore or hereafter collected on income of the calendar year 1941, or if any fiscal period of a taxpayer ends within such calendar year the Province will refund to taxpayers that proportion of the total tax which the number of days of such fiscal period in such calendar year bears to the total number of days of such fiscal period.

6.—(1) The Province will collect the corporation taxes, other than income tax, which became due and payable on or before September 1st, 1941, imposed by the enactments enumerated in Appendix A.

(2) The Province will not collect the corporation taxes other than income tax aforesaid which became due and payable after September 1st, 1941.

(3) The Province will refund to taxpayers the amount of any corporation taxes, other than income tax, heretofore or hereafter paid, the collection of which by the Province is prohibited by the terms of the next preceding subsection of this section.

7. The Province will take whatever action may be necessary to ensure that the said municipalities shall not levy or collect any income or corporation taxes during the term of this agreement, except as provided in this Agreement.

8.—(1) For the purposes of this section, "security" means any mortgage, bond, debenture, stock, share or any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company.

(2) Subject as provided in the next succeeding subsection the Province will not until the termination of this Agreement,—

- (a) impose or enact any statute providing for the imposition of income or corporation taxes; or
- (b) amend, revive or re-enact any of the enactments enumerated in Appendix A in such manner as will impose an income or corporation tax during the term of this Agreement; or
- (c) take any action or permit any municipality to take any action to impose taxes on any security or any other tax which would have the effect of evading the true intent and purpose of this Agreement, which is to secure the income and corporation tax fields to the Dominion during the term of this Agreement.

(3) The Province may, subject to the provisions of section 20, pass legislation during the term of this Agreement to impose or authorize the municipalities to impose income and corporation taxes, such legislation to come into effect at the expiration of this Agreement.

9.—(1) Notwithstanding anything herein contained, this Agreement shall not be construed as interfering with the right of the Province or the said municipalities to levy and collect taxes, license fees and royalties upon or in respect of natural resources within the Province but any such taxes, license fees and royalties imposed after June 24th, 1940, and increases in taxes, license fees and royalties after the said date will be subject to the provisions of section 6 (o) of the *Income War Tax Act*.

(2) Taxes, license fees and royalties imposed by the enactments enumerated in Appendix C to this Agreement shall be deemed to be upon or in respect of natural resources.

10. The Dominion will pay to the Province in respect of each fiscal year of the Province during the term of the Agreement the sum of \$28,964,039.54 computed as set out in Appendix D less the deductions provided for in sections 11 and 12.

11. From the sum of \$28,964,039.54 payable by the Dominion each year under the provisions of section 10, there shall be deducted from

time to time pursuant to the provisions of section 14, the amount of any income and corporation taxes collected by the Province during the term of this Agreement under the provisions of any of the enactments enumerated in Appendix A, less the amount of any such taxes so collected which are later refunded to the taxpayer pursuant to the provisions of sections 5 and 6: Provided that after the cumulative total of all such deductions amounts to \$28,964,039.54 no further deductions shall be made.

12. The Province shall be entitled to retain out of taxes imposed by the enactments enumerated in Appendix A and collected after March 31st, 1942, an amount equivalent to ten per centum thereof and any amount so retained by the Province shall be excluded when computing the amount to be deducted from the payments by the Dominion under the provisions of section 11: Provided, however, that the provisions of this section shall not apply to taxes collected by the Dominion as agent for the Province.

13. Within sixty days after the date of this Agreement and within sixty days after the close of each quarterly period thereafter ending June 30th, September 30th, December 31st and March 31st, respectively, the Province will submit to the Minister a statement in a form to be mutually agreed upon showing the amount to be deducted pursuant to the provisions of sections 11 and 12 in respect of any taxes collected by the Province during the period covered by such statement. These statements shall be signed by the Provincial Treasurer or by the Controller of Finances and by the Provincial Auditor; Provided that after the cumulative total of the deductions provided for in sections 11 and 12 amounts to \$28,964,039.54 the Province will not be required to submit any further statements to the Minister under this section.

14.—(1) The amount payable by the Dominion under section 10 shall be paid to the Province in each year in quarterly instalments as follows: Fifty per centum of the total shall be paid on June 30th; thirty per centum of the total shall be paid on September 30th; ten per centum of the total shall be paid on December 31st, and ten per centum of the total shall be paid on March 31st.

(2) Notwithstanding the provisions of subsection 1 any quarterly instalments which apply to the period from April 1st, 1941, to the date of this Agreement shall become due and payable within one month of the receipt by the Minister of the statements required under section 13.

(3) From the total of the quarterly instalments payable under the provisions of subsection 2, there shall be deducted in accordance with the provisions of sections 11 and 12, the amount of any taxes collected by the Province from the last day of the year one thousand nine hundred and forty to the last day of the quarterly periods for which the said quarterly instalments are payable.

(4) Subject to the provisions of subsection 5 no deduction shall be made from the quarterly instalment applicable to the first quarterly period ending after the date of this Agreement. From each of the subsequent quarterly instalments there shall be deducted, in accordance with the provisions of sections 11 and 12, the amount of the taxes collected by the Province during the quarterly period immediately preceding the period for which the said quarterly instalment is payable.

(5) If the amount to be deducted in respect of any quarterly period or periods exceeds the amount which would otherwise be payable by the Dominion, the amount of the excess shall be carried forward and deducted from the amount of the succeeding payment or payments which would otherwise be made by the Dominion.

15. Within thirty days from the date of the termination of this Agreement, as provided for in sections 21 and 23 hereof, the Dominion will pay to the Province the total amount deducted from time to time under the provisions of this Agreement.

16.—(1) In this section "net receipts from the gasoline tax" means the total tax receipts collected by the Province on the sale of gasoline

under the provisions of *The Gasoline Tax Act* reduced by the amount of the refunds of such tax lawfully made under the said Act.

(2) Subject to the conditions hereinafter contained the Dominion agrees to pay to the Province at the end of each fiscal year of the Province during the term of this Agreement the amount by which the net receipts from the gasoline tax in such fiscal year is less than the amount of the net receipts from the gasoline tax collected in the year one thousand nine hundred and forty, as set forth in Appendix E.

(3) If the Province,—

(a) amends *The Gasoline Tax Act* or the regulations thereunder; or

(b) fails to exercise due diligence and efficiency in the administration of the said Act and regulations,

the Dominion may, if in the opinion of the Minister the amount of the net receipts from the gasoline tax in any year is reduced below the amount which would have been realized but for such amendment, or but for such failure to exercise due diligence and efficiency in the administration of the said Act and regulations, deduct from the amount payable to the Province in any year under this section the loss in net receipts attributable to such amendment or to such failure to exercise due diligence and efficiency as aforesaid, the said loss having been fairly and reasonably determined as hereinafter provided.

(4) The Minister shall make a fair and reasonable estimate of the loss aforesaid, and the Dominion shall deduct the amount of such estimate from the amount which would otherwise be payable to the Province under this section, and if the Province does not agree that there is any such loss, or that the said estimate is fair and reasonable, the matter in dispute, including the amount of the said loss, if any, shall be determined by a qualified accountant or other suitable person selected by the parties hereto, whose decision shall be final and binding. If the parties are unable to agree upon the selection of a qualified accountant or other suitable person as aforesaid the said matter in dispute and the amount of the said loss, if any, shall be determined by an arbitral tribunal pursuant to section 21 hereof.

17. After the close of each fiscal year of the Province, the Province undertakes to submit to the Minister a statement in a form to be mutually agreed upon, signed by the Treasurer of Ontario or Controller of Finances and by the Provincial Auditor, showing the amount claimed to be payable by the Dominion under the provisions of section 16, payment shall be due one month after the receipt by the Minister of the said statement; Provided that if the Minister is satisfied that the receipts by the Province from gasoline taxes in any quarterly period during the term of this Agreement are substantially less than the amount of the receipts by the Province in the corresponding quarterly period in the year one thousand nine hundred and forty and that the Province will be entitled to payment under section 16 hereof, the Dominion may from time to time during the fiscal year of the Province make advances to the Province on account of the payments provided for in section 16, and if any such advance results in an overpayment by the Dominion to the Province, the Dominion may deduct the amount of such overpayment from any sum or sums payable by the Dominion to the Province under this Agreement.

18. The Province will make available to the Dominion all necessary records and documents and afford reasonable facilities to permit the Dominion to establish the amounts which may be due and payable by the Dominion under section 16 of this Agreement.

19. The Province will make available to the Dominion all necessary records and documents of the Province and afford reasonable facilities to permit the Dominion to establish from time to time the amount of the deductions provided for in section 11.

20.—(1) The Dominion shall have the sole right to levy taxes on personal and corporation incomes of the calendar year ending on the 31st day of December nearest to the date of the termination of this Agreement, and with respect to personal and corporation incomes in the following calendar year undertakes to reduce its rates of taxes by such an amount as will enable the Province again to use the income tax and corporation tax fields, and in particular the Dominion undertakes to reduce its rate of tax on corporation incomes by at least ten per centum of such incomes.

(2) The Province agrees that it will not levy or collect corporation taxes other than income taxes which become due and payable on or before September 1st in the year following the 31st day of December nearest to the date of the termination of this Agreement.

(3) The provisions of this section shall not be operative if the Province terminates this Agreement in accordance with the provisions of subsection 5 of section 23 hereof, or if the Dominion terminates this Agreement in accordance with the provisions of subsection 3 of section 21 hereof.

21.—(1) If the parties hereto fail to agree on the interpretation of any of the provisions of this Agreement or on any matter arising therefrom either party shall have the right to refer the matter in dispute to an arbitral tribunal constituted in accordance with section 22 hereof.

(2) If in the opinion of the Dominion the Province, or any of the said municipalities, imposes or collects any tax in contravention or otherwise fails to observe any of the provisions of this Agreement, the Dominion may refer the matter in dispute to an arbitral tribunal.

(3) If the arbitral tribunal decides that the Province, or any of the said municipalities, has contravened or failed to observe the provisions of this Agreement, the Province will promptly take such action as may be necessary to rectify its position and if in the opinion of the arbitral tribunal it fails to do so, the Dominion may terminate the Agreement or may deduct the amount of any tax so imposed or collected from any sum or sums payable to the Province under this Agreement.

(4) If in the opinion of the Province the Dominion fails to observe any of the provisions of this Agreement, the Province may refer the matter in dispute to an arbitral tribunal.

(5) If the arbitral tribunal decides that the Dominion has contravened or failed to observe the provisions of this Agreement, the Dominion will promptly rectify its position and if in the opinion of the arbitral tribunal it fails to do so, the Province may terminate the Agreement forthwith.

22.—(1) Each arbitral tribunal shall consist of three members of which one member shall be selected by the Government of Canada, one by the Government of Ontario, and the third member by the other two members. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(2) The parties hereto agree to facilitate the constitution and functioning of arbitral tribunals; to supply promptly such information as may be required by such tribunals; and to accept the findings and decisions of such tribunals as final and binding upon them.

(3) The findings of any two members of the tribunal in agreement shall constitute the findings of the tribunal and should more than one item be referred to the tribunal at any one time this rule shall apply with respect to each item.

(4) The procedure in any arbitration under the provisions of this Agreement shall be determined by the arbitral tribunal.

(5) The expenses of any arbitral tribunal constituted under the provisions of this Agreement shall be payable by the Dominion.

23.—(1) This Agreement shall continue in force until and terminate on the last day of the fiscal year of the Province ending nearest to the 31st day of December in the first calendar year which begins after the date of the cessation of hostilities, complete or substantial, between the Dominion of Canada and Germany, Italy and Japan, unless sooner terminated pursuant to the provisions hereof.

(2) The Dominion shall, exercising its best judgment on all the available facts, fairly determine the date of such cessation of hostilities, complete or substantial, and shall thereupon give notice to the Province, specifying such date so determined, which shall thereafter, for the purposes of this Agreement, be deemed to be the date of the cessation of hostilities, complete or substantial, between the Dominion of Canada and Germany, Italy and Japan.

(3) If at any time, no such notice having been given, the Province is of the opinion that the aforesaid hostilities have ceased, completely or substantially, the Province may request the Dominion to call a conference of the Provinces and the Dominion for the purpose of consulting together as to whether the aforesaid hostilities have in fact ceased, completely or substantially, and, if so, on what date. Upon receipt of such request, the Dominion will forthwith call such conference and will thereafter give the notice hereinbefore provided for at such time and specifying such date as the Dominion deems proper having regard to the views expressed at the said conference and to the obligation of the Dominion to exercise its best judgment on all the available facts and fairly to determine the date of the cessation of hostilities, complete or substantial, and to notify the Province thereof.

(4) In any event, such cessation of hostilities shall not for the purposes of this Agreement, be deemed to have taken place later than the date of a proclamation issued by His Majesty or under the authority of the Governor-in-Council, pursuant to section 2 of the *War Measures Act*, declaring that the war no longer exists.

(5) The Province may terminate this Agreement on the 31st day of March of any year, if notice of intention to do so is given in writing to the Minister thirty days before such date.

24. The expression "term of this Agreement" wherever it appears in this Agreement means the period from and including April 1st, 1941, to the termination of this Agreement.

IN WITNESS WHEREOF the Honourable James Lorimer Ilsley, Minister of Finance, has hereunto set his hand and seal on behalf of the Dominion of Canada, and the Honourable Mitchell Frederick Hepburn, Treasurer of Ontario, has hereunto set his hand and seal on behalf of the Province of Ontario.

Signed on behalf of the Government of
Canada by the Honourable James
Lorimer Ilsley, Minister of Finance,
in the presence of

.....

Minister of Finance.

Signed on behalf of the Government of
the Province of Ontario by the Hon-
ourable Mitchell Frederick Hepburn,
Treasurer of Ontario, in the presence
of

.....

Treasurer of Ontario.

APPENDIX A

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the _____, 1942.

The Income Tax Act—R.S.O. 1937, c. 25.
 The Insurance Act—R.S.O. 1937, c. 256, s. 279.
 The Assessment Act—R.S.O. 1937, c. 272, s. 9.
 The Corporations Tax Act, 1939—1939, c. 10.

APPENDIX B

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the _____, 1942.

The Public Service Act—R.S.O. 1937, c. 15.
 The Public Officers' Fees Act—R.S.O. 1937, c. 18.
 The Land Transfer Tax Act—R.S.O. 1937, c. 31.
 The Gasoline Tax Act—R.S.O. 1937, c. 32.
 The Mills Licensing Act—R.S.O. 1937, c. 37.
 The Well Drillers Act—R.S.O. 1937, c. 50.
 The Unwrought Metal Sales Act—R.S.O. 1937, c. 52.
 The Highway Improvement Act—R.S.O. 1937, c. 56.
 The Power Commission Act—R.S.O. 1937, c. 62.
 The Farm Products Control Act—R.S.O. 1937, c. 75.
 The Milk Control Act—R.S.O. 1937, c. 76.
 The Mortmain and Charitable Uses Act—R.S.O. 1937, c. 147.
 The Registry Act—R.S.O. 1937, c. 170.
 The Ferries Act—R.S.O. 1937, c. 175.
 The Industrial Standards Act—R.S.O. 1937, c. 191.
 The Apprenticeship Act—R.S.O. 1937, c. 192.
 The Workmen's Compensation Act—R.S.O. 1937, c. 204.
 The Blind Workmen's Compensation Act—R.S.O. 1937, c. 205.
 The Companies Act—R.S.O. 1937, c. 251.
 The Extra Provincial Corporations Act—R.S.O. 1937, c. 252.
 The Companies Information Act—R.S.O. 1937, c. 253.
 The Insurance Act—R.S.O. 1937, c. 256 (except s. 279).
 The Loan and Trust Corporations Act—R.S.O. 1937, c. 257.
 The Railway Act—R.S.O. 1937, c. 259.
 The Corporation Securities Registration Act—R.S.O. 1937, c. 264.
 The Securities Act—R.S.O. 1937, c. 265.
 The Assessment Act—R.S.O. 1937, c. 272 (except s. 9).
 The Statute Labour Act—R.S.O. 1937, c. 274.
 The Municipal Employees Pensions Fund Act—R.S.O. 1937, c. 275.
 The Public Vehicle Act—R.S.O. 1937, c. 289.
 The Travelling Shows Act—R.S.O. 1937, c. 293.
 The Liquor Control Act—R.S.O. 1937, c. 294.
 The Fire Marshals Act—R.S.O. 1937, c. 329.
 The Private Sanitaria Act—R.S.O. 1937, c. 394.
 The Athletic Commission Act, 1939—1939, c. 4.
 The Race Tracks Tax Act, 1939—1939, c. 39.
 The Security Transfer Tax Act, 1939—1939, c. 45.
 The Succession Duty Act, 1939—1939, 2nd Sess., c. 1.
 The Blue Water Bridge Act, 1940—1940, c. 2.
 The Credit Unions Act, 1940—1940, c. 7.

and the following enactments:—

- (a) any enactment heretofore or hereafter passed which provides for the imposing of any fine or penalty for any act or omission or for the costs of any action or prosecution;

APPENDIX B—*Continued.*

- (b) any enactment heretofore or hereafter passed which singles out municipal corporations, any board or commission exercising the powers of a municipal council, boards of education or boards of school trustees for the payment of any amount; and
- (c) any enactment heretofore passed as a Private Act and any enactment which is unrepealed and is not consolidated in any of the Revised Statutes of Ontario, which prescribes or fixes the assessment of or taxes payable by any corporation for the purposes of municipal taxation.

APPENDIX C

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the
day of , 1942.

The Mining Tax Act—R.S.O. 1937, c. 28.
 The Provincial Land Tax Act—R.S.O. 1937, c. 30.
 The Public Lands Act—R.S.O. 1937, c. 33.
 The Crown Timber Act—R.S.O. 1937, c. 36.
 The Provincial Forests Act—R.S.O. 1937, c. 38.
 The Forestry Act—R.S.O. 1937, c. 39.
 The Forest Resources Regulation Act—R.S.O. 1937, c. 40.
 The Pulpwood Conservation Act—R.S.O. 1937, c. 41.
 The Settlers' Pulpwood Protection Act—R.S.O. 1937, c. 42.
 The Lakes and Rivers Improvement Act—R.S.O. 1937, c. 45.
 The Town Sites Act—R.S.O. 1937, c. 46.
 The Mining Act—R.S.O. 1937, c. 47.
 The Natural Gas Conservation Act—R.S.O. 1937, c. 49.
 The Damage by Fumes Arbitration Act—R.S.O. 1937, c. 51.
 The Provincial Parks Act—R.S.O. 1937, c. 94.
 The Beach Protection Act—R.S.O. 1937, c. 333.
 The Railway Fire Charge Act—R.S.O. 1937, c. 326.
 The Game and Fisheries Act—R.S.O. 1937, c. 353.
 The Cullers Act—R.S.O. 1937, c. 240.

APPENDIX D

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the
day of , 1942.

GRANT IN LIEU OF TAXES SUSPENDED—

(The revenues which the Province actually obtained from the income tax and corporation tax fields during the fiscal year ended March 31, 1941.)

The Corporations Tax Act, 1939.....	\$21,960,450.85
The Income Tax Act (Ontario).....	7,001,037.95
The Insurance Act.....	2,550.74

TOTAL AMOUNT PAYABLE.....	<u>\$28,964,039.54</u>
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APPENDIX E

to the Agreement between The Government of the Dominion of Canada
and The Government of the Province of Ontario, dated the
day of , 1942.

Net receipts from the tax imposed on the sale of gasoline during the fiscal
year ended March 31, 1941:—

Gross gasoline tax receipts.....	\$29,370,588.39
Less refunds.....	2,762,297.80
NET RECEIPTS.....	<u><u>\$26,608,290.59</u></u>

BILL

An Act respecting an Agreement between the Dominion of Canada and the Province of Ontario for the Suspension of Certain Taxing Acts by the Province during the present War.

1st Reading

March 24th, 1942

*2nd Reading**3rd Reading*

MR. CONANT

No. 24

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

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the Province of Ontario for the Suspension of Certain Taxing Acts
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MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act respecting an Agreement between the
Dominion of Canada and the Province of
Ontario for the Suspension of Certain
Taxing Acts by the Province
during the present War.

Preamble.

WHEREAS the Government of Canada has proposed that, having regard to the exigencies of the present war, the provinces and the municipalities therein shall suspend the imposition of income and corporations taxes in order that such taxation may, for the duration of the war, be imposed exclusively by the Dominion;

And whereas it is acknowledged by the Government and Parliament of Canada that the Province, by entering into the Agreement hereinafter referred to and set out, shall not be deemed to have surrendered, abandoned or given over to the Dominion of Canada any of the powers, rights, privileges or authority vested in the Provincial Legislature under the provisions of *The British North America Act, 1867*, or any subsequent Act of the Parliament of the United Kingdom or otherwise to have impaired any of such powers, rights, privileges or authority;

And whereas the Government and the Legislature of the Province of Ontario desire to assist and encourage the Government and Parliament of Canada to wage total war against the Axis Powers and for that reason agree to suspend temporarily the levying of said taxes in favour of the Dominion of Canada to the extent set out in said Agreement;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Authority
to sign
Agreement.

1. The Treasurer of Ontario is authorized on behalf of His Majesty the King in the right of the Province of Ontario to sign the Agreement between the Government of the Dominion of Canada and the Government of the Province of Ontario which is set out in the schedule to this Act.

2. When the said Agreement is signed by the Treasurer of Ontario, and by the Minister of Finance for Canada under the authority of the Parliament of Canada, it shall be valid and binding upon His Majesty the King in the right of the Province of Ontario.

When deemed to be valid and binding upon the Province.

3.—(1) Notwithstanding any of the provisions of *The Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-one and any subsequent year up to but not including the calendar year during which the said Agreement is terminated and no person shall be required, without a notice or demand in writing from the Controller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-one and subsequent years up to but not including the calendar year during which the said Agreement is terminated, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

Levy of personal income tax suspended.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding the said Agreement or this Act.

Returns under Rev. Stat., c. 25.

4.—(1) Notwithstanding the provisions of section 9 of *The Assessment Act*, no tax shall be levied by any municipality in the calendar year nineteen hundred and forty-four or in the calendar year during which the said Agreement is terminated or in any intervening calendar year pursuant to any assessment made under the said section, but nothing herein contained shall affect the rights of any municipality to collect any tax leviable in any year prior to the year nineteen hundred and forty-four and which remains unpaid, and nothing herein contained shall relieve any corporation of the liability to make returns or to furnish information to the assessor under the provisions of the said Act.

Levy of tax on certain corporations by municipalities suspended.

(2) Notwithstanding the provisions of section 2 of *The Assessment Act*, any assessment made under the provisions of section 9 of the said Act upon which, but for the provisions of this section, taxes would be levied in the calendar year 1944 and in the calendar year during which the said agree-

Balance of assessment under Rev. Stat., c. 272.

ment is terminated and in any intervening calendar year, shall be deducted from the total assessment and the balance shall be deemed to be the whole of the assessment for real property, income and business or other assessments for all purposes under the said Act.

Levy of corporation income tax suspended.

5.—(1) Notwithstanding any of the provisions of *The Corporations Tax Act, 1939*, and amendments, no tax shall be levied under sections 14 and 15 of the said Act upon income of the calendar year 1941 and any subsequent year up to but not including the calendar year during which the said Agreement is terminated.

Idem.

(2) Nothing herein contained shall affect the levy of the tax under the said sections 14 and 15 of *The Corporations Tax Act, 1939*, on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1941, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year which are in the calendar year 1941 bears to the total number of days in such fiscal year.

Idem.

(3) Nothing herein contained shall affect the levy of the tax under the said sections 14 and 15 of *The Corporations Tax Act, 1939*, on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year during which the said Agreement is terminated, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year which are in the calendar year previous to that during which the said Agreement is terminated bears to the total number of days of such fiscal year.

Levy of corporation tax suspended.

6. Notwithstanding the provisions of *The Corporations Tax Act, 1939*, and amendments, and subject to the provisions of section 5 of this Act, no tax which becomes due and payable under the provisions of the said Act after September 1st, 1941, and on or before September 1st of the calendar year during which the said Agreement is terminated, shall be levied.

Returns under 1939, c. 10.

7.—(1) Notwithstanding the provisions of section 17 of *The Corporations Tax Act, 1939*, no company the fiscal year of which ends after December 30th, 1941, and before January 1st of the calendar year during which the said Agreement is terminated, shall be required without a notice or demand in writing from the Treasurer of Ontario or from an officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand to deliver to the Treasurer a return for any fiscal year which ends between such dates.

(2) The provisions of the said section 17 requiring any ^{Idem.} company to deliver to the Treasurer of Ontario a return upon notice or demand in writing shall apply as if this Act had not been passed.

8.—(1) Notwithstanding the provisions of subsections 2 and 3 of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act every company the fiscal year or other fiscal period of which ended on any of the first three hundred and sixty-four days of the calendar year 1940 shall be deemed to have ended the fiscal year next following exactly twelve months after the close of the first mentioned fiscal year or other fiscal period. ^{Fiscal years of companies.}

(2) Subsection 1 shall not apply to a company which ceased ^{Idem.} to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on any of the first three hundred and sixty-four days of the calendar year 1941.

(3) Notwithstanding the provisions of subsections 2 and 3 ^{Idem.} of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act, every company the fiscal year or other fiscal period of which ended on a date during the calendar year 1940 shall be deemed to end its first fiscal year ending on or after January 1st of the calendar year during which the said Agreement is terminated, on the same date of such calendar year as its fiscal year or other fiscal period ended in the calendar year 1940.

(4) Except as provided by subsection 3 and notwithstanding ^{Idem.} the provisions of subsections 2 and 3 of section 2 of *The Corporations Tax Act, 1939*, and for the purposes of this Act, every company incorporated on or after January 1st, 1940, shall be deemed to end its first fiscal year ending on or after January 1st of the calendar year during which the said Agreement is terminated on the day of such calendar year exactly twelve months or a multiple of twelve months following the day on which it was incorporated.

(5) Subsections 3 and 4 shall not apply to the last fiscal ^{Idem.} period of a company which ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day during the period commencing January 1st of the calendar year during which the said Agreement is terminated and ending on December 31st next following.

9. Notwithstanding the provisions of section 279 of *The Insurance Act*, no tax shall be levied under the said section on premiums or deposits collected during the calendar year ^{Reciprocal exchanges.}

1941 and any subsequent calendar year up to but not including the calendar year during which the said Agreement is terminated, from subscribers in respect of risks located in Ontario.

Refunds.

10. The Treasurer of Ontario is authorized, for the purpose of carrying out the terms of the said Agreement, to make the refunds of taxes referred to therein without interest.

Distribution
of subsidy
to municipi-
palities.

11.—(1) There shall be set apart from the Consolidated Revenue Fund on December 31st of the calendar year 1941 and of the calendar year during which the said Agreement is terminated and of each intervening calendar year the sum of \$224,090.59 and the sum so set apart shall, on December 31st in each year, be credited to the cities, towns, villages and organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act, and such sum shall be in lieu of the sum provided to be set apart from the Consolidated Revenue Fund by subsection 1 of section 44 of *The Corporations Tax Act, 1939*.

Application
of 1939,
c. 10, s. 44,
subss. 2, 3,
4, 5, 6.

(2) The provisions of subsections 2, 3, 4, 5 and 6 of section 44 of *The Corporations Tax Act, 1939*, shall apply to the said sum of \$224,090.59 provided to be set apart by subsection 1.

Termination
of
Agreement.

12. The Lieutenant-Governor in Council may by order terminate the said Agreement in accordance with the terms thereof.

Commence-
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

14. This Act may be cited as *The Corporations and Income Taxes Suspension Act, 1942*.

SCHEDULE

TO THE CORPORATIONS AND INCOME TAXES
SUSPENSION ACT, 1942

MEMORANDUM OF AGREEMENT made this
, 1942.

day of

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA
(hereinafter called "The Dominion"), represented herein
by the Honourable James Lorimer Ilsey, Minister of
Finance,

OF THE FIRST PART,

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO
(hereinafter called "The Province"), represented herein
by the Honourable Mitchell Frederick Hepburn, Trea-
surer of Ontario,

OF THE SECOND PART.

WHEREAS the Dominion and the Province and certain municipalities
in Ontario have been levying taxes upon incomes and upon corporations;
and

WHEREAS it is expedient during the continuation of the present war
and for a certain readjustment period thereafter that the Dominion
only should levy such taxes; and

WHEREAS the Province has agreed to suspend temporarily the levying
and collection of such taxes subject to the provisions hereinafter contained,
and

WHEREAS the Province shall not, by agreeing as hereinafter provided
to desist from imposing certain taxes during the term of this agreement,
be deemed to have surrendered, abandoned or given over to the Dominion
any of the powers, rights, privileges or authority vested in the Province
under the provisions of *The British North America Act, 1867*, or any sub-
sequent Act of the Parliament of the United Kingdom, or otherwise to
have impaired any of such powers, rights, privileges or authority;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. In this Agreement or any appendix thereto, unless the context
otherwise requires, the expression,—

- (a) "corporation tax" means a tax or fee the imposing of which singles
out for taxation or for discriminatory rates or burdens of taxa-
tion, either formally or in effect, corporations or any class or
classes thereof or any individual corporation except,
 - (i) a *bona fide* and reasonable provincial license, registration,
filing or other fee, provided that, without the approval
of the Minister, no fee of a class of fees first charged or
imposed after March 31st, 1941, shall exceed \$250 per
annum for each corporation and no fee charged or imposed
on or prior to March 31st, 1941, which is in excess of
\$250 per annum for each corporation shall be increased
and no fee charged or imposed on or prior to March 31st,
1941, which is less than \$250 per annum for each corpora-
tion shall be increased to an amount in excess of \$250
per annum for each corporation,

- (ii) the fees charged for the incorporation of a company,
- (iii) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality or, where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory,
- (iv) any assessment under *The Workmen's Compensation Act*,
- (v) a business or occupancy tax based on floor space or on the rental or assessed value of property, or on gross receipts from all or part of the business or other similar basis imposed by a municipality, or in territory not included in any municipality by any authority (including the Province) having jurisdiction in such territory,

provided that all the taxes imposed by the enactments enumerated in Appendix A not being income taxes shall be deemed to be corporation taxes, and all the taxes imposed by the enactments enumerated or described in Appendix B shall be deemed not to be corporation taxes or income taxes;

- (b) "income tax" means any tax imposed upon the net income of a corporation or upon the net income or gross income of an individual or partnership and shall include a poll or head tax based on income;
- (c) "Minister" means the Minister of Finance of Canada;
- (d) "municipality" includes a city, town, village, county, township, school authority and any board, commission or other authority created by the Province, which levies or has the right to levy taxes, license fees, royalties or rates;
- (e) "year one thousand nine hundred and forty" means the fiscal year of the Province ended March 31st, 1941, and the fiscal year of any municipality ending nearest to December 31st, 1940.

2. The Province undertakes to repeal, suspend or nullify or to have repealed, suspended or nullified until the termination of this Agreement, the enactments pursuant to which income and corporation taxes are assessed and levied by the Province and the municipalities in Ontario which are enumerated in Appendix A, and any other enactments of Ontario providing for the imposition of an income tax or corporation tax, and to enact or have enacted such legislation as may be necessary to enable the Province to implement and carry out its part of this Agreement.

3.—(1) The Province will collect the income taxes imposed by the enactments enumerated in Appendix A on income of the calendar year 1940 and prior years and any arrears thereof but will not levy taxes on income of the calendar year 1941 and subsequent years during the term of this agreement.

(2) The municipalities in Ontario may collect the taxes on incomes assessed under section 9 of *The Assessment Act*, chapter 272 of the Revised Statutes of Ontario, 1937, which are levied in the calendar years 1941 and 1942 and 1943 but will not levy income or corporation taxes in subsequent years during the term of this Agreement.

4. In the case of any tax on income of a fiscal period of a taxpayer ending in the calendar year 1941, the Province will collect that proportion of the tax which the number of days of such fiscal period in the calendar year 1940 bears to the total number of days of such fiscal period, and that proportion of the tax which the number of days of such fiscal period in the calendar year 1941 bears to the total number of days of such fiscal period shall not be levied or collected.

5. The Province will refund to taxpayers any income taxes heretofore or hereafter collected on income of the calendar year 1941, or if any fiscal period of a taxpayer ends within such calendar year the Province will refund to taxpayers that proportion of the total tax which the number of days of such fiscal period in such calendar year bears to the total number of days of such fiscal period.

6.—(1) The Province will collect the corporation taxes, other than income tax, which became due and payable on or before September 1st, 1941, imposed by the enactments enumerated in Appendix A.

(2) The Province will not collect the corporation taxes other than income tax aforesaid which became due and payable after September 1st, 1941.

(3) The Province will refund to taxpayers the amount of any corporation taxes, other than income tax, heretofore or hereafter paid, the collection of which by the Province is prohibited by the terms of the next preceding subsection of this section.

7. The Province will take whatever action may be necessary to ensure that the said municipalities shall not levy or collect any income or corporation taxes during the term of this agreement, except as provided in this Agreement.

8.—(1) For the purposes of this section, "security" means any mortgage, bond, debenture, stock, share or any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company.

(2) Subject as provided in the next succeeding subsection the Province will not until the termination of this Agreement,—

(a) impose or enact any statute providing for the imposition of income or corporation taxes; or

(b) amend, revive or re-enact any of the enactments enumerated in Appendix A in such manner as will impose an income or corporation tax during the term of this Agreement; or

(c) take any action or permit any municipality to take any action to impose taxes on any security or any other tax which would have the effect of evading the true intent and purpose of this Agreement, which is to secure the income and corporation tax fields to the Dominion during the term of this Agreement.

(3) The Province may, subject to the provisions of section 20, pass legislation during the term of this Agreement to impose or authorize the municipalities to impose income and corporation taxes, such legislation to come into effect at the expiration of this Agreement.

9.—(1) Notwithstanding anything herein contained, this Agreement shall not be construed as interfering with the right of the Province or the said municipalities to levy and collect taxes, license fees and royalties upon or in respect of natural resources within the Province but any such taxes, license fees and royalties imposed after June 24th, 1940, and increases in taxes, license fees and royalties after the said date will be subject to the provisions of section 6 (o) of the *Income War Tax Act*.

(2) Taxes, license fees and royalties imposed by the enactments enumerated in Appendix C to this Agreement shall be deemed to be upon or in respect of natural resources.

10. The Dominion will pay to the Province in respect of each fiscal year of the Province during the term of the Agreement the sum of \$28,964,039.54 computed as set out in Appendix D less the deductions provided for in sections 11 and 12.

11. From the sum of \$28,964,039.54 payable by the Dominion each year under the provisions of section 10, there shall be deducted from

time to time pursuant to the provisions of section 14, the amount of any income and corporation taxes collected by the Province during the term of this Agreement under the provisions of any of the enactments enumerated in Appendix A, less the amount of any such taxes so collected which are later refunded to the taxpayer pursuant to the provisions of sections 5 and 6: Provided that after the cumulative total of all such deductions amounts to \$28,964,039.54 no further deductions shall be made.

12. The Province shall be entitled to retain out of taxes imposed by the enactments enumerated in Appendix A and collected after March 31st, 1942, an amount equivalent to ten per centum thereof and any amount so retained by the Province shall be excluded when computing the amount to be deducted from the payments by the Dominion under the provisions of section 11: Provided, however, that the provisions of this section shall not apply to taxes collected by the Dominion as agent for the Province.

13. Within sixty days after the date of this Agreement and within sixty days after the close of each quarterly period thereafter ending June 30th, September 30th, December 31st and March 31st, respectively, the Province will submit to the Minister a statement in a form to be mutually agreed upon showing the amount to be deducted pursuant to the provisions of sections 11 and 12 in respect of any taxes collected by the Province during the period covered by such statement. These statements shall be signed by the Provincial Treasurer or by the Controller of Finances and by the Provincial Auditor; Provided that after the cumulative total of the deductions provided for in sections 11 and 12 amounts to \$28,964,039.54 the Province will not be required to submit any further statements to the Minister under this section.

14.—(1) The amount payable by the Dominion under section 10 shall be paid to the Province in each year in quarterly instalments as follows: Fifty per centum of the total shall be paid on June 30th; thirty per centum of the total shall be paid on September 30th; ten per centum of the total shall be paid on December 31st, and ten per centum of the total shall be paid on March 31st.

(2) Notwithstanding the provisions of subsection 1 any quarterly instalments which apply to the period from April 1st, 1941, to the date of this Agreement shall become due and payable within one month of the receipt by the Minister of the statements required under section 13.

(3) From the total of the quarterly instalments payable under the provisions of subsection 2, there shall be deducted in accordance with the provisions of sections 11 and 12, the amount of any taxes collected by the Province from the last day of the year one thousand nine hundred and forty to the last day of the quarterly periods for which the said quarterly instalments are payable.

(4) Subject to the provisions of subsection 5 no deduction shall be made from the quarterly instalment applicable to the first quarterly period ending after the date of this Agreement. From each of the subsequent quarterly instalments there shall be deducted, in accordance with the provisions of sections 11 and 12, the amount of the taxes collected by the Province during the quarterly period immediately preceding the period for which the said quarterly instalment is payable.

(5) If the amount to be deducted in respect of any quarterly period or periods exceeds the amount which would otherwise be payable by the Dominion, the amount of the excess shall be carried forward and deducted from the amount of the succeeding payment or payments which would otherwise be made by the Dominion.

15. Within thirty days from the date of the termination of this Agreement, as provided for in sections 21 and 23 hereof, the Dominion will pay to the Province the total amount deducted from time to time under the provisions of this Agreement.

16.—(1) In this section "net receipts from the gasoline tax" means the total tax receipts collected by the Province on the sale of gasoline

under the provisions of *The Gasoline Tax Act* reduced by the amount of the refunds of such tax lawfully made under the said Act.

(2) Subject to the conditions hereinafter contained the Dominion agrees to pay to the Province at the end of each fiscal year of the Province during the term of this Agreement the amount by which the net receipts from the gasoline tax in such fiscal year is less than the amount of the net receipts from the gasoline tax collected in the year one thousand nine hundred and forty, as set forth in Appendix E.

(3) If the Province,—

(a) amends *The Gasoline Tax Act* or the regulations thereunder; or

(b) fails to exercise due diligence and efficiency in the administration of the said Act and regulations,

the Dominion may, if in the opinion of the Minister the amount of the net receipts from the gasoline tax in any year is reduced below the amount which would have been realized but for such amendment, or but for such failure to exercise due diligence and efficiency in the administration of the said Act and regulations, deduct from the amount payable to the Province in any year under this section the loss in net receipts attributable to such amendment or to such failure to exercise due diligence and efficiency as aforesaid, the said loss having been fairly and reasonably determined as hereinafter provided.

(4) The Minister shall make a fair and reasonable estimate of the loss aforesaid, and the Dominion shall deduct the amount of such estimate from the amount which would otherwise be payable to the Province under this section, and if the Province does not agree that there is any such loss, or that the said estimate is fair and reasonable, the matter in dispute, including the amount of the said loss, if any, shall be determined by a qualified accountant or other suitable person selected by the parties hereto, whose decision shall be final and binding. If the parties are unable to agree upon the selection of a qualified accountant or other suitable person as aforesaid the said matter in dispute and the amount of the said loss, if any, shall be determined by an arbitral tribunal pursuant to section 21 hereof.

17. After the close of each fiscal year of the Province, the Province undertakes to submit to the Minister a statement in a form to be mutually agreed upon, signed by the Treasurer of Ontario or Controller of Finances and by the Provincial Auditor, showing the amount claimed to be payable by the Dominion under the provisions of section 16, payment shall be due one month after the receipt by the Minister of the said statement; Provided that if the Minister is satisfied that the receipts by the Province from gasoline taxes in any quarterly period during the term of this Agreement are substantially less than the amount of the receipts by the Province in the corresponding quarterly period in the year one thousand nine hundred and forty and that the Province will be entitled to payment under section 16 hereof, the Dominion may from time to time during the fiscal year of the Province make advances to the Province on account of the payments provided for in section 16, and if any such advance results in an overpayment by the Dominion to the Province, the Dominion may deduct the amount of such overpayment from any sum or sums payable by the Dominion to the Province under this Agreement.

18. The Province will make available to the Dominion all necessary records and documents and afford reasonable facilities to permit the Dominion to establish the amounts which may be due and payable by the Dominion under section 16 of this Agreement.

19. The Province will make available to the Dominion all necessary records and documents of the Province and afford reasonable facilities to permit the Dominion to establish from time to time the amount of the deductions provided for in section 11.

20.—(1) The Dominion shall have the sole right to levy taxes on personal and corporation incomes of the calendar year ending on the 31st day of December nearest to the date of the termination of this Agreement, and with respect to personal and corporation incomes in the following calendar year undertakes to reduce its rates of taxes by such an amount as will enable the Province again to use the income tax and corporation tax fields, and in particular the Dominion undertakes to reduce its rate of tax on corporation incomes by at least ten per centum of such incomes.

(2) The Province agrees that it will not levy or collect corporation taxes other than income taxes which become due and payable on or before September 1st in the year following the 31st day of December nearest to the date of the termination of this Agreement.

(3) The provisions of this section shall not be operative if the Province terminates this Agreement in accordance with the provisions of subsection 5 of section 23 hereof, or if the Dominion terminates this Agreement in accordance with the provisions of subsection 3 of section 21 hereof.

21.—(1) If the parties hereto fail to agree on the interpretation of any of the provisions of this Agreement or on any matter arising therefrom either party shall have the right to refer the matter in dispute to an arbitral tribunal constituted in accordance with section 22 hereof.

(2) If in the opinion of the Dominion the Province, or any of the said municipalities, imposes or collects any tax in contravention or otherwise fails to observe any of the provisions of this Agreement, the Dominion may refer the matter in dispute to an arbitral tribunal.

(3) If the arbitral tribunal decides that the Province, or any of the said municipalities, has contravened or failed to observe the provisions of this Agreement, the Province will promptly take such action as may be necessary to rectify its position and if in the opinion of the arbitral tribunal it fails to do so, the Dominion may terminate the Agreement or may deduct the amount of any tax so imposed or collected from any sum or sums payable to the Province under this Agreement.

(4) If in the opinion of the Province the Dominion fails to observe any of the provisions of this Agreement, the Province may refer the matter in dispute to an arbitral tribunal.

(5) If the arbitral tribunal decides that the Dominion has contravened or failed to observe the provisions of this Agreement, the Dominion will promptly rectify its position and if in the opinion of the arbitral tribunal it fails to do so, the Province may terminate the Agreement forthwith.

22.—(1) Each arbitral tribunal shall consist of three members of which one member shall be selected by the Government of Canada, one by the Government of Ontario, and the third member by the other two members. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(2) The parties hereto agree to facilitate the constitution and functioning of arbitral tribunals; to supply promptly such information as may be required by such tribunals; and to accept the findings and decisions of such tribunals as final and binding upon them.

(3) The findings of any two members of the tribunal in agreement shall constitute the findings of the tribunal and should more than one item be referred to the tribunal at any one time this rule shall apply with respect to each item.

(4) The procedure in any arbitration under the provisions of this Agreement shall be determined by the arbitral tribunal.

(5) The expenses of any arbitral tribunal constituted under the provisions of this Agreement shall be payable by the Dominion.

23.—(1) This Agreement shall continue in force until and terminate on the last day of the fiscal year of the Province ending nearest to the 31st day of December in the first calendar year which begins after the date of the cessation of hostilities, complete or substantial, between the Dominion of Canada and Germany, Italy and Japan, unless sooner terminated pursuant to the provisions hereof.

(2) The Dominion shall, exercising its best judgment on all the available facts, fairly determine the date of such cessation of hostilities, complete or substantial, and shall thereupon give notice to the Province, specifying such date so determined, which shall thereafter, for the purposes of this Agreement, be deemed to be the date of the cessation of hostilities, complete or substantial, between the Dominion of Canada and Germany, Italy and Japan.

(3) If at any time, no such notice having been given, the Province is of the opinion that the aforesaid hostilities have ceased, completely or substantially, the Province may request the Dominion to call a conference of the Provinces and the Dominion for the purpose of consulting together as to whether the aforesaid hostilities have in fact ceased, completely or substantially, and, if so, on what date. Upon receipt of such request, the Dominion will forthwith call such conference and will thereafter give the notice hereinbefore provided for at such time and specifying such date as the Dominion deems proper having regard to the views expressed at the said conference and to the obligation of the Dominion to exercise its best judgment on all the available facts and fairly to determine the date of the cessation of hostilities, complete or substantial, and to notify the Province thereof.

(4) In any event, such cessation of hostilities shall not for the purposes of this Agreement, be deemed to have taken place later than the date of a proclamation issued by His Majesty or under the authority of the Governor-in-Council, pursuant to section 2 of the *War Measures Act*, declaring that the war no longer exists.

(5) The Province may terminate this Agreement on the 31st day of March of any year, if notice of intention to do so is given in writing to the Minister thirty days before such date.

24. The expression "term of this Agreement" wherever it appears in this Agreement means the period from and including April 1st, 1941, to the termination of this Agreement.

IN WITNESS WHEREOF the Honourable James Lorimer Ilsley, Minister of Finance, has hereunto set his hand and seal on behalf of the Dominion of Canada, and the Honourable Mitchell Frederick Hepburn, Treasurer of Ontario, has hereunto set his hand and seal on behalf of the Province of Ontario.

Signed on behalf of the Government of
Canada by the Honourable James
Lorimer Ilsley, Minister of Finance,
in the presence of

.....
Minister of Finance.

Signed on behalf of the Government of
the Province of Ontario by the Hon-
ourable Mitchell Frederick Hepburn,
Treasurer of Ontario, in the presence
of

.....
Treasurer of Ontario.

APPENDIX A

to the Agreement between The Government of the Dominion of Canada
and The Government of the Province of Ontario, dated the
day of , 1942.

The Income Tax Act—R.S.O. 1937, c. 25.
The Insurance Act—R.S.O. 1937, c. 256, s. 279.
The Assessment Act—R.S.O. 1937, c. 272, s. 9.
The Corporations Tax Act, 1939—1939, c. 10.

APPENDIX B

to the Agreement between The Government of the Dominion of Canada
and The Government of the Province of Ontario, dated the
day of , 1942.

The Public Service Act—R.S.O. 1937, c. 15.
The Public Officers' Fees Act—R.S.O. 1937, c. 18.
The Land Transfer Tax Act—R.S.O. 1937, c. 31.
The Gasoline Tax Act—R.S.O. 1937, c. 32.
The Mills Licensing Act—R.S.O. 1937, c. 37.
The Well Drillers Act—R.S.O. 1937, c. 50.
The Unwrought Metal Sales Act—R.S.O. 1937, c. 52.
The Highway Improvement Act—R.S.O. 1937, c. 56.
The Power Commission Act—R.S.O. 1937, c. 62.
The Farm Products Control Act—R.S.O. 1937, c. 75.
The Milk Control Act—R.S.O. 1937, c. 76.
The Mortmain and Charitable Uses Act—R.S.O. 1937, c. 147.
The Registry Act—R.S.O. 1937, c. 170.
The Ferries Act—R.S.O. 1937, c. 175.
The Industrial Standards Act—R.S.O. 1937, c. 191.
The Apprenticeship Act—R.S.O. 1937, c. 192.
The Workmen's Compensation Act—R.S.O. 1937, c. 204.
The Blind Workmen's Compensation Act—R.S.O. 1937, c. 205.
The Companies Act—R.S.O. 1937, c. 251.
The Extra Provincial Corporations Act—R.S.O. 1937, c. 252.
The Companies Information Act—R.S.O. 1937, c. 253.
The Insurance Act—R.S.O. 1937, c. 256 (except s. 279).
The Loan and Trust Corporations Act—R.S.O. 1937, c. 257.
The Railway Act—R.S.O. 1937, c. 259.
The Corporation Securities Registration Act—R.S.O. 1937, c. 264.
The Securities Act—R.S.O. 1937, c. 265.
The Assessment Act—R.S.O. 1937, c. 272 (except s. 9).
The Statute Labour Act—R.S.O. 1937, c. 274.
The Municipal Employees Pensions Fund Act—R.S.O. 1937, c. 275.
The Public Vehicle Act—R.S.O. 1937, c. 289.
The Travelling Shows Act—R.S.O. 1937, c. 293.
The Liquor Control Act—R.S.O. 1937, c. 294.
The Fire Marshals Act—R.S.O. 1937, c. 329.
The Private Sanitaria Act—R.S.O. 1937, c. 394.
The Athletic Commission Act, 1939—1939, c. 4.
The Race Tracks Tax Act, 1939—1939, c. 39.
The Security Transfer Tax Act, 1939—1939, c. 45.
The Succession Duty Act, 1939—1939, 2nd Sess., c. 1.
The Blue Water Bridge Act, 1940—1940, c. 2.
The Credit Unions Act, 1940—1940, c. 7.

and the following enactments:—

- (a) any enactment heretofore or hereafter passed which provides for the imposing of any fine or penalty for any act or omission or for the costs of any action or prosecution;

APPENDIX B—*Continued.*

- (b) any enactment heretofore or hereafter passed which singles out municipal corporations, any board or commission exercising the powers of a municipal council, boards of education or boards of school trustees for the payment of any amount; and
- (c) any enactment heretofore passed as a Private Act and any enactment which is unrepealed and is not consolidated in any of the Revised Statutes of Ontario, which prescribes or fixes the assessment of or taxes payable by any corporation for the purposes of municipal taxation.

APPENDIX C

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the
day of , 1942.

The Mining Tax Act—R.S.O. 1937, c. 28.
 The Provincial Land Tax Act—R.S.O. 1937, c. 30.
 The Public Lands Act—R.S.O. 1937, c. 33.
 The Crown Timber Act—R.S.O. 1937, c. 36.
 The Provincial Forests Act—R.S.O. 1937, c. 38.
 The Forestry Act—R.S.O. 1937, c. 39.
 The Forest Resources Regulation Act—R.S.O. 1937, c. 40.
 The Pulpwood Conservation Act—R.S.O. 1937, c. 41.
 The Settlers' Pulpwood Protection Act—R.S.O. 1937, c. 42.
 The Lakes and Rivers Improvement Act—R.S.O. 1937, c. 45.
 The Town Sites Act—R.S.O. 1937, c. 46.
 The Mining Act—R.S.O. 1937, c. 47.
 The Natural Gas Conservation Act—R.S.O. 1937, c. 49.
 The Damage by Fumes Arbitration Act—R.S.O. 1937, c. 51.
 The Provincial Parks Act—R.S.O. 1937, c. 94.
 The Beach Protection Act—R.S.O. 1937, c. 333.
 The Railway Fire Charge Act—R.S.O. 1937, c. 326.
 The Game and Fisheries Act—R.S.O. 1937, c. 353.
 The Cullers Act—R.S.O. 1937, c. 240.

APPENDIX D

to the Agreement between The Government of the Dominion of Canada and The Government of the Province of Ontario, dated the
day of , 1942.

GRANT IN LIEU OF TAXES SUSPENDED—

(The revenues which the Province actually obtained from the income tax and corporation tax fields during the fiscal year ended March 31, 1941.)

The Corporations Tax Act, 1939.....	\$21,960,450.85
The Income Tax Act (Ontario).....	7,001,037.95
The Insurance Act.....	2,550.74

TOTAL AMOUNT PAYABLE.....	<u>\$28,964,039.54</u>
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APPENDIX E

to the Agreement between The Government of the Dominion of Canada
and The Government of the Province of Ontario, dated the
day of , 1942.

Net receipts from the tax imposed on the sale of gasoline during the fiscal
year ended March 31, 1941:—

Gross gasoline tax receipts.....	\$29,370,588.39
Less refunds.....	<u>2,762,297.80</u>
NET RECEIPTS.....	<u><u>\$26,608,290.59</u></u>



BILL

An Act respecting an Agreement between the Dominion of Canada and the Province of Ontario for the Suspension of Certain Taxing Acts by the Province during the present War.

1st Reading

March 24th, 1942

2nd Reading

March 25th, 1942

3rd Reading

March 26th, 1942

MR. CONANT

1942

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

an Act to Provide for the Exercise of the Franchise by Members of His
Majesty's Forces on Active Service.

MR. CONANT

BILL

An Act to Provide for the Exercise of the Franchise
by Members of His Majesty's Forces on
Active Service.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpreta-
tion,—

1. In this Act,—

"active
service
voter";

(a) "active service voter" shall mean a member of the
Forces who, immediately before becoming a mem-
ber,—

(i) was a resident of and domiciled in Canada
for a period of at least three months;

(ii) was ordinarily resident and domiciled in
Ontario for a period of at least thirty days;
and

(iii) was at the date of a writ of election a British
subject;

and shall include every such member whether or
not he has attained the age of twenty-one years;

"camp";

(b) "camp" shall include any area, building, depot or
other place where any unit or formation of the
Forces is stationed or located;

"Chief
Election
Officer";

(c) "Chief Election Officer" shall mean the Chief Election
Officer appointed under *The Election Act*;

"extra-
provincial
active
service
voter";

(d) "extra-provincial active service voter" shall mean
an active service voter who at the date of a writ for
any election is serving outside the Province;

EXPLANATORY NOTES

GENERAL

This Bill provides for the exercise of the franchise by members of the Canadian Forces, both men and women, engaged on active service in the present war. All votes under this Act apply in the electoral district in which the voter resided prior to enlistment.

PART I deals with the votes of members of the forces who are stationed in camps within the province.

PART II deals with the votes of members of the Forces who are located outside the province.

PART III contains general provisions applicable to Parts I and II.

PART I provides that the votes of members of the Forces stationed at camps within the province shall be taken at special polls provided in the various camps.

SECTION 1 is a defining section and, amongst other things, provides in clause *a* that a soldier under the age of 21 may vote.

- "Forces" (e) "Forces" shall mean the naval, military or air forces of Canada on active service;
- "polling list"; (f) "polling list" shall mean the voters' list prepared under Part I of this Act;
- "pre-scribed"; (g) "prescribed" shall mean prescribed by this Act or the regulations; and
- "regulations". (h) "regulations" shall mean regulations made under this Act.

Who may vote.

2. Every active service voter shall, subject to the provisions of this Act, be entitled to vote at any election to the Assembly.

PART I.

ACTIVE SERVICE VOTING IN THE PROVINCE.

Preparation of lists.

3. Subject to the provisions of section 36 whenever a vacancy occurs in the Assembly or whenever the Assembly is dissolved or expires lists shall be prepared in every camp in Ontario of all active service voters in such camp.

Appointment of returning officer.

4.—(1) Notwithstanding anything contained in *The Election Act* or any other Act a returning officer who shall also be chief enumerator, shall be appointed for each camp in Ontario in which, by direction of the Chief Election Officer, a poll is to be held.

Appointment of election clerk.

(2) The returning officer, by a commission under his hand in the prescribed form shall, before nomination day, appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or default of election clerk.

(3) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of election clerk.

(4) The election clerk shall assist the returning officer in the performance of his duties, and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his place as returning officer.

Ascertainment of voters.

5.—(1) As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the returning officer shall ascertain whether or not there are

SECTION 5 provides that the Act shall apply to both general and by-elections.

within the camp for which he is appointed persons who may be active service voters.

Proclamation.

(2) Upon ascertaining the presence in the camp of such persons he shall cause a proclamation in such form as may be prescribed by the Chief Election Officer, to be posted up at prominent locations within the camp calling upon such persons to attend at such places and times as may be mentioned in the proclamation in order that their names may be entered upon the lists by the assistant enumerators who shall attend for such purpose.

Assistant enumerators.

(3) The returning officer shall appoint, in writing, one or more assistant enumerators to assist him in the preparation of the polling lists and shall transmit to the Clerk of the Crown in Chancery a copy of such appointment, certified by him.

ENUMERATION AND PREPARATION OF LISTS.

Who may be entered on the list.

6. Every active service voter, other than an extra-provincial active service voter, shall be entitled to be entered on the list prepared under this Part.

Application to be entered on list.

7.—(1) Every person applying to have his name entered on the list shall sign an application in the prescribed form in which all the information required by such form shall be sufficiently filled in either by the applicant personally or by the assistant enumerator at the applicant's request and, if it appears to the assistant enumerator that the applicant's name should be included in the list, subject to the provisions of subsection 2, he shall enter the name of the applicant on the list as an active service voter.

Evidence required by enumerator.

(2) The assistant enumerator, within the time limited for receiving applications for enumeration shall satisfy himself by consulting the camp or unit records that the applicant did, prior to becoming a member of the Forces, reside in the electoral district named in his application and that the other information contained therein is substantially correct.

Failure to qualify.

(3) Where the assistant enumerator is satisfied that the applicant cannot qualify as an active service voter he shall certify to that effect on the application form and the applicant's name shall not be entered on the list.

Doubtful cases.

(4) The assistant enumerator shall, in any case where from the information supplied he is unable to determine the electoral district in which the applicant resided prior to becoming a member of the Forces, forward the application form to the returning officer.

SECTION 6 and following sections provide for the enumeration of the voters in each camp.

Reference
to Clerk
of Crown
in Chancery.

(5) The returning officer shall, not later than the day following the time limited for the enumeration, forward all application forms received by him under subsection 4 to the Clerk of the Crown in Chancery.

Duties of
Clerk of the
Crown in
Chancery.

(6) The Clerk of the Crown in Chancery shall determine, if possible, the electoral district in which the applicant resided prior to becoming a member of the Forces and shall forthwith return the application form and his finding in connection therewith to the returning officer, who, if satisfied that the information contained therein entitles the applicant to be placed on the list, shall enter the applicant's name on the list.

Declara-
tion by
enumerator.

(7) Every assistant enumerator shall on completion of the lists, attach thereto a declaration in the prescribed form to be taken before the returning officer and shall forthwith deliver the lists to the returning officer.

Prepara-
tion of
list.

8. The returning officer shall, from the lists received from the assistant enumerators and from the application forms returned to him by the Clerk of the Crown in Chancery under subsection 6 of section 7, prepare a list of the active service voters in the camp, which list shall be in alphabetical order and in the prescribed form.

Polling
list.

9. The list as prepared by the returning officer under the provisions of section 8 shall be certified by him and such list shall be the polling list for the camp and shall be supplied to the deputy returning officers for the purpose of holding a poll as provided by this Part.

Deputy
returning
officers.

10.—(1) The returning officer shall appoint, in writing, one or more deputy returning officers for each camp and deliver to him or them in due time the polling lists for the camp prepared by him.

Qualifica-
tion.

(2) Every deputy returning officer so appointed shall be,—

- (a) a British subject;
- (b) of the age of twenty-one years;
- (c) a resident of Ontario; and
- (d) a qualified voter.

BALLOT PAPERS.

Ballots.

11. The ballot to be used under this Part shall be in the prescribed form and colour and shall be supplied by the

Clerk of the Crown in Chancery to the returning officer, who shall supply to each deputy returning officer a sufficient number for use at his poll.

PROCEDURE AT THE POLL.

Who may
not vote.

12. The deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list.

Delivery
of ballot.

13.—(1) Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has entered in the space provided therefor the name of the electoral district opposite the name on the polling list of the person tendering his vote.

Initialing
ballot.

(2) The deputy returning officer shall also, previous to handing the ballot to the voter, place his initials where indicated on the prescribed form so that when the ballot is folded his initials can be seen without opening it and place on the back of the counterfoil a number corresponding to that placed opposite the voter's name in the poll book.

Names of
candidates.

(3) The deputy returning officer shall, when handing a ballot paper to the voter, inform him of the names of candidates in the electoral district in which such voter is entitled to cast his ballot.

Marking and
depositing
ballot
papers.

14. The voter on receiving his ballot paper shall forthwith proceed into a compartment of the polling place and there mark his ballot paper, writing thereon in the space provided the name of the candidate for whom he intends to vote, and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

Entries in
poll book.

15. The poll clerk shall enter in a special poll book, in the prescribed form, opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the

SECTIONS 12 to 17 prescribe the manner in which the votes shall be polled.

SECTION 15 provides for the use of a special poll book.

name of each voter who has refused to take any oath which he has been required to take.

Where vote
to be
counted.

16. The vote of a voter under this Part shall be counted only in the electoral district indicated opposite his name on the polling list.

Where
voter
shall vote.

17. Every person whose name has been entered on the polling list under this Part shall be entitled to vote at the polling place provided for in this Part and not elsewhere in the Province.

PROCEEDINGS AFTER CLOSE OF POLL.

Duties of
deputy
returning
officers
after close
of poll.

18. Immediately after the close of the poll the deputy returning officer shall first place all the cancelled and declined ballot papers for each electoral district in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted in each electoral district, and make an entry thereof on the line immediately below the name of the voter who voted last, and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate in each electoral district, giving full opportunity for those present to examine each ballot paper.

Disposition
of ballots.

19.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate in each electoral district and the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put in a separate envelope.

Candidates'
ballots.

(2) The envelopes containing the ballot papers indicating the votes given for the candidates in each electoral district shall be placed in an envelope bearing the name of such electoral district.

Rejected
and unused
ballots.

(3) All rejected and unused ballot papers respectively shall be put in separate envelopes for each electoral district, which shall be endorsed to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal.

Statement
of poll.

20. The deputy returning officer shall make out a statement in the prescribed form in duplicate which shall be signed

SECTIONS 18 to 22 deal with the proceedings of the officials after the close of the poll.

by him and by the poll clerk, one copy to be attached to the poll book and the other copy to be delivered to the returning officer.

Return of documents.

21.—(1) The poll book, the polling list, the envelope containing the ballot papers and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and shall be delivered by the deputy returning officer personally to the returning officer.

Oath of deputy returning officer.

(2) Forthwith thereafter the deputy returning officer shall take and subscribe the oath in the prescribed form and shall personally deliver it to the returning officer.

Preliminary return.

22.—(1) The returning officer shall, immediately upon receipt by him from the deputy returning officers of a return in the prescribed form notify, by telegraph or telephone, the returning officers in each electoral district for which votes have been polled in the camp, of the number of votes polled for each candidate in such electoral district.

Certified return.

(2) Immediately thereafter the returning officer shall send by registered mail to the returning officer of each electoral district referred to in subsection 1, a certified return in the prescribed form and colour.

Duties of returning officer in electoral district.

23. In addition to his duties as provided by section 122 of *The Election Act* the returning officer for each electoral district at the place, day and hour appointed by his proclamation, shall include the votes polled for each candidate in his electoral district as shown by the certified return received by him from the camp returning officers under subsection 2 of section 22 hereof in adding up the votes given for each candidate.

Return of poll books, etc.

24. The camp returning officer shall, not later than the day following the day of polling, send to the Clerk of the Crown in Chancery by registered mail or express a copy of his return in the prescribed form, the poll books, all envelopes containing ballot papers and all other documents in his possession connected with taking the vote.

SECTIONS 23 and 24 provide that the votes taken in the camps shall be included in the returns for the electoral districts to which they apply.

PART II.

EXTRA-PROVINCIAL ACTIVE SERVICE VOTING.

25. Every extra-provincial active service voter shall be entitled to vote by proxy as in this Part provided.

Vote by
proxy.

26.—(1) Every active service voter may appoint in writing in the prescribed form a proxy of the full age of twenty-one years and entitled to vote in the electoral district in which the active service voter is entitled to vote.

Appoint-
ment by
proxy.

(2) Any person may hold any number of appointments for extra-provincial active service voters who are within the degree of relationship to him of wife, husband, sister, brother, parent or child but no person shall hold an appointment for more than one extra-provincial active service voter who is not within such degree of relationship.

Limit on
proxies held.

27. Any active service voter may obtain from the Chief Election Officer or his agent, in accordance with the regulations made under this Act, an appointment form in the prescribed form and subject to the provisions of this Part, he shall forward the completed form to the person appointed to act as his proxy.

Proxy
forms.

28. A person who has been appointed a proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with the provisions of *The Voters' Lists Act* in the electoral district in which the extra-provincial active service voter is entitled to vote, to be entered upon such list.

Application
to be
entered
on list.

Rev. Stat.,
c. 7.

29. The revising officer shall take evidence on oath as to the right of the extra-provincial active service voter to vote in the electoral district upon the list of which his name is entered and as to the qualifications of the proxy, and if he finds that the extra-provincial active service voter is duly qualified and that the proxy is qualified to act for him, he shall endorse a certificate across the face of the appointment to that effect in the prescribed form, and shall cause the name of the proxy to be entered on the voter's list after the name of the extra-provincial active service voter.

Evidence
required.

30. A ballot paper shall not be delivered to a person who claims to vote as a proxy unless he produces his appointment as a proxy to the deputy returning officer with the certificate of the revising officer thereon, as provided in section 29, and takes the oath in the prescribed form.

Production
of proxy.

PART II provides that members of the forces located outside the province may vote by proxy in the electoral districts in which they are entitled to cast their ballots.

SECTION 26 defines who may act as proxies.

SECTIONS 27 to 29 prescribe the manner in which a proxy vote may be placed on the list.

SECTIONS 30 and 31 define the manner of voting.

Entry in
poll book.

31. The deputy returning officer shall record in the poll book provided for that purpose in the prescribed form, the fact that the extra-provincial active service voter voted by proxy, showing the name of the proxy, and shall file the appointment and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Personal
vote of
proxy.

32. A person who has been appointed as a proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for an extra-provincial active service voter.

Illegal
practices.

33.—(1) Every person who,—

(a) having appointed any person to act as his proxy, attempts to vote at an election otherwise than by means of such proxy while the appointment of such proxy is in force; or

(b) votes or attempts to vote at any election under the authority of an appointment as a proxy when he knows or has reasonable grounds for supposing that such appointment has been cancelled or that the voter by whom the appointment has been made is no longer entitled to vote,

Rev. Stat.,
c. 8.

shall be guilty of an illegal practice within the meaning of *The Election Act* and shall incur a penalty of \$200, and shall be imprisoned for six months.

Termination
of proxy.

34.—(1) The powers contained in an appointment of a proxy under this Part shall terminate upon the casting of the vote by the proxy, provided however that the extra-provincial active service voter may at any time thereafter appoint a proxy under the provisions of this Part for any subsequent election to the Assembly.

Avoidance
of proxy.

(2) Where a person who has appointed a proxy under this section ceases to be a member of the Forces the appointment of such proxy shall be null and void and shall not be used.

Ballots.

35. The ballots to be used under this Part shall be according to the prescribed form and colour.

SECTION 32 protects the personal vote of the proxy.

SECTION 33 prescribes illegal practices and provides for punishment therefor.

SECTION 34 deals with the termination of the proxy.

PART III.

GENERAL.

Rev. Stat.,
cc. 7 and 8,
to apply.

36. Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* shall *mutatis mutandis* apply to the provisions of this Act.

Cases of
emergency.

37. In cases of emergency the Chief Election Officer may give such direction as he may deem proper and anything done in compliance with such direction shall not be open to question.

Duties of
returning
officer.

38. The returning officer for each electoral district shall, in addition to the duties imposed on him by *The Election Act*, make a separate count of the votes polled for each candidate under Parts I and II of this Act and shall transmit the statement of such count to the Clerk of the Crown in Chancery in the same manner as provided by section 145 of *The Election Act*.

Rev. Stat.,
c. 8.

Regula-
tions,

39.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of applications, appointments, ballots, certificates, commissions of appointment, lists, oaths, proxys, returns, special poll books, and statements authorized or required by this Act;
- (b) prescribing the procedure for obtaining proxy forms and any other procedure incidental to the operation of this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

to be laid
before
Assembly.

(2) Any regulations made under this section shall be laid before the Legislature within fifteen days after the opening of the next session thereof.

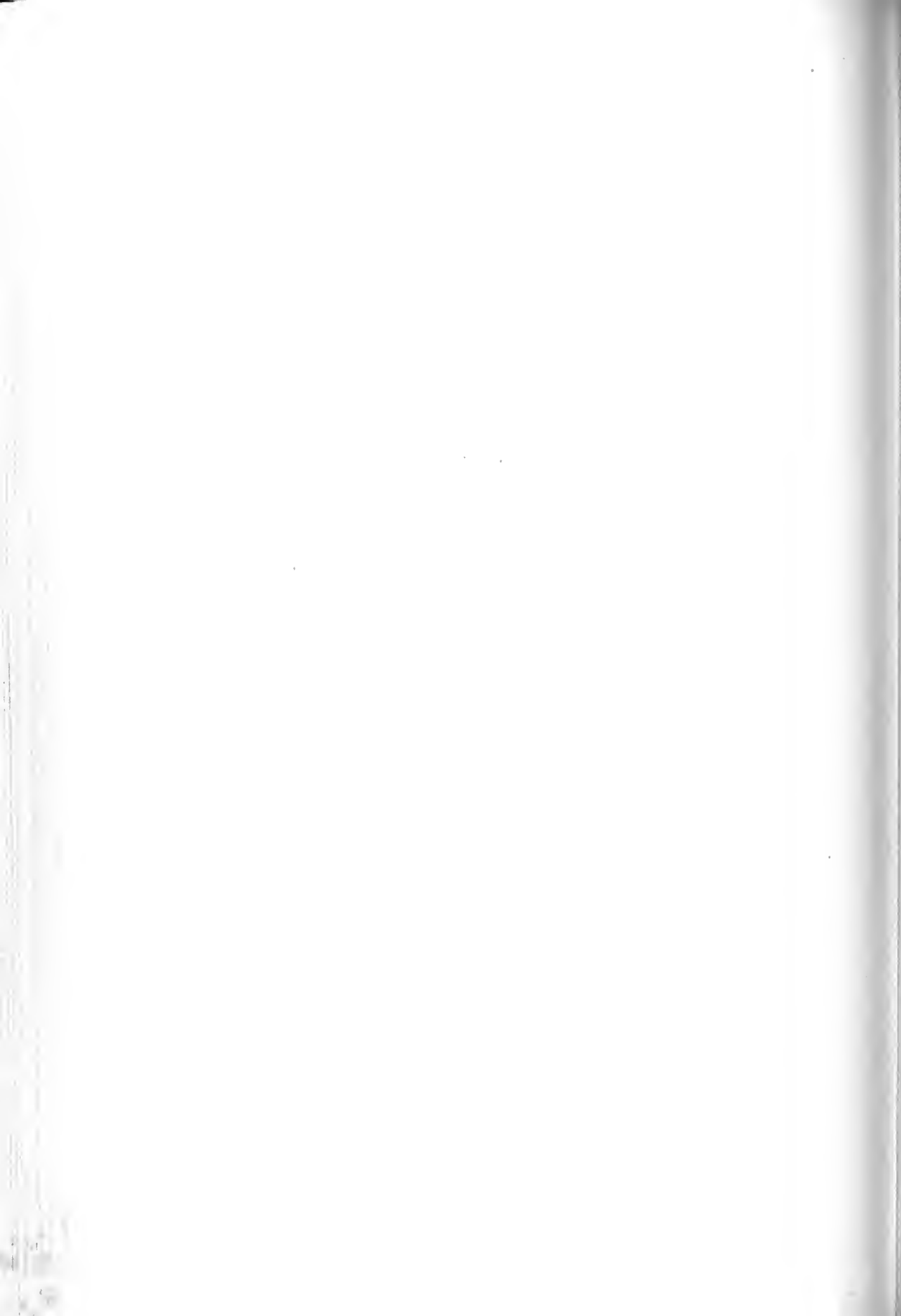
Commence-
ment of
Act.

40. This Act or any part or parts thereof shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

41. This Act may be cited as *The Active Service Election Act, 1942*.

PART III consists of general provisions governing the carrying out of the Act.



BILL

An Act to Provide for the Exercise of the
Franchise by Members of His Majesty's
Forces on Active Service.

1st Reading

February 11th, 1942

*2nd Reading**3rd Reading*

MR. CONANT

No. 25

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to Provide for the Exercise of the Franchise by Members of His Majesty's Forces on Active Service.

MR. CONANT

(Reprinted as amended by a Select Committee)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to Provide for the Exercise of the Franchise
by Members of His Majesty's Forces on
Active Service.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpreta-
tion,—

1. In this Act,—

“active
service
voter”;

(a) “active service voter” shall mean a member of the
Forces who, immediately before becoming a mem-
ber,—

(i) was a resident of and domiciled in Canada
for a period of at least three months;

(ii) was ordinarily resident and domiciled in
Ontario for a period of at least thirty days;
and

(iii) was at the date of a writ of election a British
subject;

and shall include every such member whether or
not he has attained the age of twenty-one years;

“camp”;

(b) “camp” shall include any area, building, depot or
other place where any unit or formation of the
naval, military or air forces of Canada is stationed
or located;

“Chief
Election
Officer”;

(c) “Chief Election Officer” shall mean the Chief Election
Officer appointed under *The Election Act*;

“extra-
provincial
active
service
voter”.

(d) “extra-provincial active service voter” shall mean
an active service voter who at the date of a writ for
any election is serving outside the Province;

EXPLANATORY NOTES

GENERAL

This Bill provides for the exercise of the franchise by members of the Canadian Forces, both men and women, engaged on active service in the present war. All votes under this Act apply in the electoral district in which the voter resided prior to enlistment.

PART I deals with the votes of members of the forces who are stationed in camps within the province.

PART II deals with the votes of members of the Forces who are located outside the province.



PART III contains general provisions applicable to Parts I and II.

PART I provides that the votes of members of the Forces stationed at camps within the province shall be taken at special polls provided in the various camps.

SECTION 1 is a defining section and, amongst other things, provides in clause *a* that a soldier under the age of 21 may vote.

- "member of the Forces"; (e) "member of the Forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such Forces.
- "polling list"; (f) "polling list" shall mean the voters' list prepared under Part I of this Act;
- "pre-scribed"; (g) "prescribed" shall mean prescribed by this Act or the regulations; and
- "regulations". (h) "regulations" shall mean regulations made under this Act.

Who may vote.

 2. Subject to provisions of this Act, *The Election Act* and *The Voters' Lists Act* every active service voter shall be entitled to be entered on the list and to vote at any election to the Assembly in the electoral district in which he was ordinarily resident for thirty days prior to his enlistment. 

PART I.

ACTIVE SERVICE VOTING IN THE PROVINCE.

Preparation of lists.

3. Subject to the provisions of section 37 whenever a vacancy occurs in the Assembly or whenever the Assembly is dissolved or expires lists shall be prepared in every camp in Ontario of all active service voters in such camp.

Appointment of returning officer.

4.—(1) Notwithstanding anything contained in *The Election Act* or any other Act a returning officer who shall also be chief enumerator, shall be appointed for each camp in Ontario in which, by direction of the Chief Election Officer, a poll is to be held.

Appointment of election clerk.

(2) The returning officer, by a commission under his hand in the prescribed form shall, before nomination day, appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or default of election clerk.

(3) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of election clerk.

(4) The election clerk shall assist the returning officer in the performance of his duties, and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his place as returning officer.

Ascertainment of voters.

5.—(1) As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the returning officer shall ascertain whether or not there are

SECTION 5 provides that the Act shall apply to both general and by-elections.

within the camp for which he is appointed persons who may be active service voters.

Proclamation.

(2) Upon ascertaining the presence in the camp of such persons he shall cause a proclamation in such form as may be prescribed by the Chief Election Officer, to be posted up at prominent locations within the camp calling upon such persons to attend at such places and times as may be mentioned in the proclamation in order that their names may be entered upon the lists by the assistant enumerators who shall attend for such purpose.

Assistant enumerators.

(3) The returning officer shall appoint, in writing, one or more assistant enumerators to assist him in the preparation of the polling lists and shall transmit to the Clerk of the Crown in Chancery a copy of such appointment, certified by him.

ENUMERATION AND PREPARATION OF LISTS.

Who may be entered on the list.

6. Every active service voter, other than an extra-provincial active service voter, shall be entitled to be entered on the list prepared under this Part.

Application to be entered on list.

7.—(1) Every person applying to have his name entered on the list shall sign an application in the prescribed form in which all the information required by such form shall be sufficiently filled in either by the applicant personally or by the assistant enumerator at the applicant's request and, if it appears to the assistant enumerator that the applicant's name should be included in the list, subject to the provisions of subsection 2, he shall enter the name of the applicant on the list as an active service voter.

Evidence required by enumerator.

(2) The assistant enumerator, within the time limited for receiving applications for enumeration shall satisfy himself by consulting the camp or unit records that the applicant did, prior to becoming a member of the Forces, reside in the electoral district named in his application for a period of thirty days and that the other information contained therein is substantially correct.

Failure to qualify.

(3) Where the assistant enumerator is satisfied that the applicant cannot qualify as an active service voter he shall certify to that effect on the application form and the applicant's name shall not be entered on the list.

Doubtful cases.

(4) The assistant enumerator shall, in any case where from the information supplied he is unable to determine the electoral district in which the applicant resided prior to becoming a member of the Forces, forward the application form to the returning officer.

SECTION 6 and following sections provide for the enumeration of the voters in each camp.

Reference
to Clerk
of Crown
in Chancery.

(5) The returning officer shall, not later than the day following the time limited for the enumeration, forward all application forms received by him under subsection 4 to the Clerk of the Crown in Chancery.

Duties of
Clerk of the
Crown in
Chancery.

(6) The Clerk of the Crown in Chancery shall determine, if possible, the electoral district in which the applicant resided prior to becoming a member of the Forces and shall forthwith return the application form and his finding in connection therewith to the returning officer, who, if satisfied that the information contained therein entitles the applicant to be placed on the list, shall enter the applicant's name on the list.

Declara-
tion by
enumerator.

(7) Every assistant enumerator shall on completion of the lists, attach thereto a declaration in the prescribed form to be taken before the returning officer and shall forthwith deliver the lists to the returning officer.

Prepara-
tion of
list.

8. The returning officer shall, from the lists received from the assistant enumerators and from the application forms returned to him by the Clerk of the Crown in Chancery under subsection 6 of section 7, prepare a list of the active service voters in the camp, which list shall be in alphabetical order and in the prescribed form.

Polling
list.

9.—(1) The list as prepared by the returning officer under the provisions of section 8 shall be certified by him and such list shall be the polling list for the camp and shall be supplied to the deputy returning officers for the purpose of holding a poll as provided by this Part.

To be
forwarded to
Chief
Election
Officer.

(2) The returning officer shall forward a copy of the list prepared under the provisions of section 8 to the Chief Election Officer in whose office it shall be open for inspection by any candidate in any election to the Assembly.

Deputy
returning
officers.

10.—(1) The returning officer shall appoint, in writing, one or more deputy returning officers for each camp and deliver to him or them in due time the polling lists for the camp prepared by him.

Qualifica-
tion.

(2) Every deputy returning officer so appointed shall be,—

- (a) a British subject;
- (b) of the age of twenty-one years;
- (c) a resident of Ontario; and
- (d) a qualified voter.

BALLOT PAPERS.

Ballots.

11. The ballot to be used under this Part shall be in the prescribed form and shall be supplied by the Clerk of the Crown in Chancery to the returning officer, who shall supply to each deputy returning officer a sufficient number for use at his poll.

PROCEDURE AT THE POLL.

Who may
not vote.

12. The deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list.

Delivery
of ballot.

13.—(1) Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has entered in the space provided therefor the name of the electoral district opposite the name on the polling list of the person tendering his vote.

Initialling
ballot.

(2) The deputy returning officer shall also, previous to handing the ballot to the voter, place his initials where indicated on the prescribed form so that when the ballot is folded his initials can be seen without opening it and place on the back of the counterfoil a number corresponding to that placed opposite the voter's name in the poll book.

Names of
candidates.

(3) The deputy returning officer shall, when handing a ballot paper to the voter, inform him of the names of candidates in the electoral district in which such voter is entitled to cast his ballot.

Marking and
depositing
ballot
papers.

14. The voter on receiving his ballot paper shall forthwith proceed into a compartment of the polling place and there mark his ballot paper, writing thereon in the space provided the name of the candidate for whom he intends to vote, and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

Incapaci-
tated
voter, etc.

15.—(1) The deputy returning officer, on the application of any voter who is unable to read or write or is physically incapacitated from voting in the manner prescribed by this Act, shall require the voter making such application to take an oath in the prescribed form of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter and shall place such ballot in the ballot box.

SECTIONS 12 to 18 prescribe the manner in which the votes shall be
polled.

Entry in
poll book.

(2) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him.



Entries in
special
poll book.

16. The poll clerk shall enter in a special poll book, in the prescribed form, opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath which he has been required to take.

Where vote
to be
counted.

17. The vote of a voter under this Part shall be counted only in the electoral district indicated opposite his name on the polling list.

Where
voter
shall vote.

18. Every person whose name has been entered on the polling list under this Part shall be entitled to vote at the polling place provided for in this Part and not elsewhere in the Province.

PROCEEDINGS AFTER CLOSE OF POLL.

Duties of
deputy
returning
officers
after close
of poll.

19. Immediately after the close of the poll the deputy returning officer shall first place all the cancelled and declined ballot papers for each electoral district in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted in each electoral district, and make an entry thereof on the line immediately below the name of the voter who voted last, and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate in each electoral district, giving full opportunity for those present to examine each ballot paper.

Disposition
of ballots.

20.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate in each electoral district and the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put in a separate envelope.

Candidates'
ballots.

(2) The envelopes containing the ballot papers indicating the votes given for the candidates in each electoral district shall be placed in an envelope bearing the name of such electoral district.

SECTION 16 provides for the use of a special poll book.

SECTIONS 19 to 23 deal with the proceedings of the officials after the close of the poll.

Rejected
and unused
ballots.

(3) All rejected and unused ballot papers respectively shall be put in separate envelopes for each electoral district, which shall be endorsed to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal.

Statement
of poll.

21. The deputy returning officer shall make out a statement in the prescribed form in duplicate which shall be signed by him and by the poll clerk, one copy to be attached to the poll book and the other copy to be delivered to the returning officer.

Return of
documents.

22.—(1) The poll book, the polling list, the envelope containing the ballot papers and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and shall be delivered by the deputy returning officer personally to the returning officer.

Oath of
deputy
returning
officer.

(2) Forthwith thereafter the deputy returning officer shall take and subscribe the oath in the prescribed form and shall personally deliver it to the returning officer.

Preliminary
return.

23.—(1) The returning officer shall, immediately upon receipt by him from the deputy returning officers of a return in the prescribed form notify, by telegraph or telephone, the returning officers in each electoral district for which votes have been polled in the camp, of the number of votes polled for each candidate in such electoral district.

Certified
return.

(2) Immediately thereafter the returning officer shall send by registered mail to the returning officer of each electoral district referred to in subsection 1, a certified return in the prescribed form.

Duties of
returning
officer in
electoral
district.

24. In addition to his duties as provided by section 122 of *The Election Act* the returning officer for each electoral district at the place, day and hour appointed by his proclamation, shall include the votes polled for each candidate in his electoral district as shown by the certified return received by him from the camp returning officers under subsection 2 of section 23 in adding up the votes given for each candidate.

Return
of poll
books, etc.

25. The camp returning officer shall, not later than the day following the day of polling, send to the Clerk of the Crown in Chancery by registered mail or express a copy of his return in the prescribed form, the poll books, all envelopes containing ballot papers and all other documents in his possession connected with taking the vote.

SECTIONS 24 and 25 provide that the votes taken in the camps shall be included in the returns for the electoral districts to which they apply.

PART II.

EXTRA-PROVINCIAL ACTIVE SERVICE VOTING.

- Vote by proxy.** **26.** Every extra-provincial active service voter shall be entitled to vote by proxy as in this Part provided.
- Appointment by proxy.** **27.**—(1) Every active service voter may appoint in writing in the prescribed form a proxy of the full age of twenty-one years and entitled to vote in the electoral district in which the active service voter is entitled to vote.
- Limit on proxies held.** (2) Any person may hold any number of appointments for extra-provincial active service voters who are within the degree of relationship to him of wife, husband, sister, brother, parent or child but no person shall hold an appointment for more than one extra-provincial active service voter who is not within such degree of relationship.
- Proxy forms.** **28.** Any active service voter may obtain from the Chief Election Officer or his agent, in accordance with the regulations made under this Act, an appointment form in the prescribed form and subject to the provisions of this Part, he shall forward the completed form to the person appointed to act as his proxy.
- Application to be entered on list.** **29.** A person who has been appointed a proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with the provisions of *The Voters' Lists Act* in the electoral district in which the extra-provincial active service voter is entitled to vote, to be entered upon such list.
- Rev. Stat., c. 7.**
- Evidence required.** **30.** The revising officer shall take evidence on oath as to the right of the extra-provincial active service voter to vote in the electoral district upon the list of which his name is entered and as to the qualifications of the proxy, and if he finds that the extra-provincial active service voter is duly qualified and that the proxy is qualified to act for him, he shall endorse a certificate across the face of the appointment to that effect in the prescribed form, and shall cause the name of the proxy to be entered on the voter's list after the name of the extra-provincial active service voter.
- Production of proxy.** **31.** A ballot paper shall not be delivered to a person who claims to vote as a proxy unless he produces his appointment as a proxy to the deputy returning officer with the certificate of the revising officer thereon, as provided in section 30, and takes the oath in the prescribed form.

PART II provides that members of the forces located outside the province may vote by proxy in the electoral districts in which they are entitled to cast their ballots.

SECTION 27 defines who may act as proxies.

SECTIONS 28 to 30 prescribe the manner in which a proxy vote may be placed on the list.

SECTIONS 31 and 32 define the manner of voting.

Entry in
poll book.

32. The deputy returning officer shall record in the poll book provided for that purpose in the prescribed form, the fact that the extra-provincial active service voter voted by proxy, showing the name of the proxy, and shall file the appointment and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Personal
vote of
proxy.

33. A person who has been appointed as a proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for an extra-provincial active service voter.

Illegal
practices.

34.—(1) Every person who,—

- (a) having appointed any person to act as his proxy, attempts to vote at an election otherwise than by means of such proxy while the appointment of such proxy is in force; or
- (b) votes or attempts to vote at any election under the authority of an appointment as a proxy when he knows or has reasonable grounds for supposing that such appointment has been cancelled or that the voter by whom the appointment has been made is no longer entitled to vote,

Rev. Stat.,
c. 8.

shall be guilty of an illegal practice within the meaning of *The Election Act* and shall incur a penalty of \$200, and shall be imprisoned for six months.

Termination
of proxy.

35.—(1) The powers contained in an appointment of a proxy under this Part shall terminate upon the casting of the vote by the proxy, provided however that the extra-provincial active service voter may at any time thereafter appoint a proxy under the provisions of this Part for any subsequent election to the Assembly.

Voidance
of proxy.

(2) Where a person who has appointed a proxy under this section ceases to be a member of the Forces or where such person cancels such appointment in writing the appointment of such proxy shall be null and void and shall not be used.

Ballots.

36. The ballots to be used under this Part shall be according to the prescribed form.

SECTION 33 protects the personal vote of the proxy.

SECTION 34 prescribes illegal practices and provides for punishment therefor.

SECTION 35 deals with the termination of the proxy.

PART III.

GENERAL.

Rev. Stat.,
cc. 7 and 8,
to apply.

37. Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* shall *mutatis mutandis* apply to the provisions of this Act.

Cases of
emergency.

38. In cases of emergency the Chief Election Officer may give such direction as he may deem proper and anything done in compliance with such direction shall not be open to question.

Duties of
returning
officer.

39. The returning officer for each electoral district shall, in addition to the duties imposed on him by *The Election Act*, make a separate count of the votes polled for each candidate under Parts I and II of this Act and shall transmit the statement of such count to the Clerk of the Crown in Chancery in the same manner as provided by section 145 of *The Election Act*.

Rev. Stat.,
c. 8.

Regula-
tions,

40.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of applications, appointments, ballots, certificates, commissions of appointment, lists, oaths, proxys, returns, special poll books, and statements authorized or required by this Act;
- (b) prescribing the procedure for obtaining proxy forms and any other procedure incidental to the operation of this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

to be laid
before
Assembly.

(2) Any regulations made under this section shall be laid before the Legislature within fifteen days after the opening of the next session thereof.

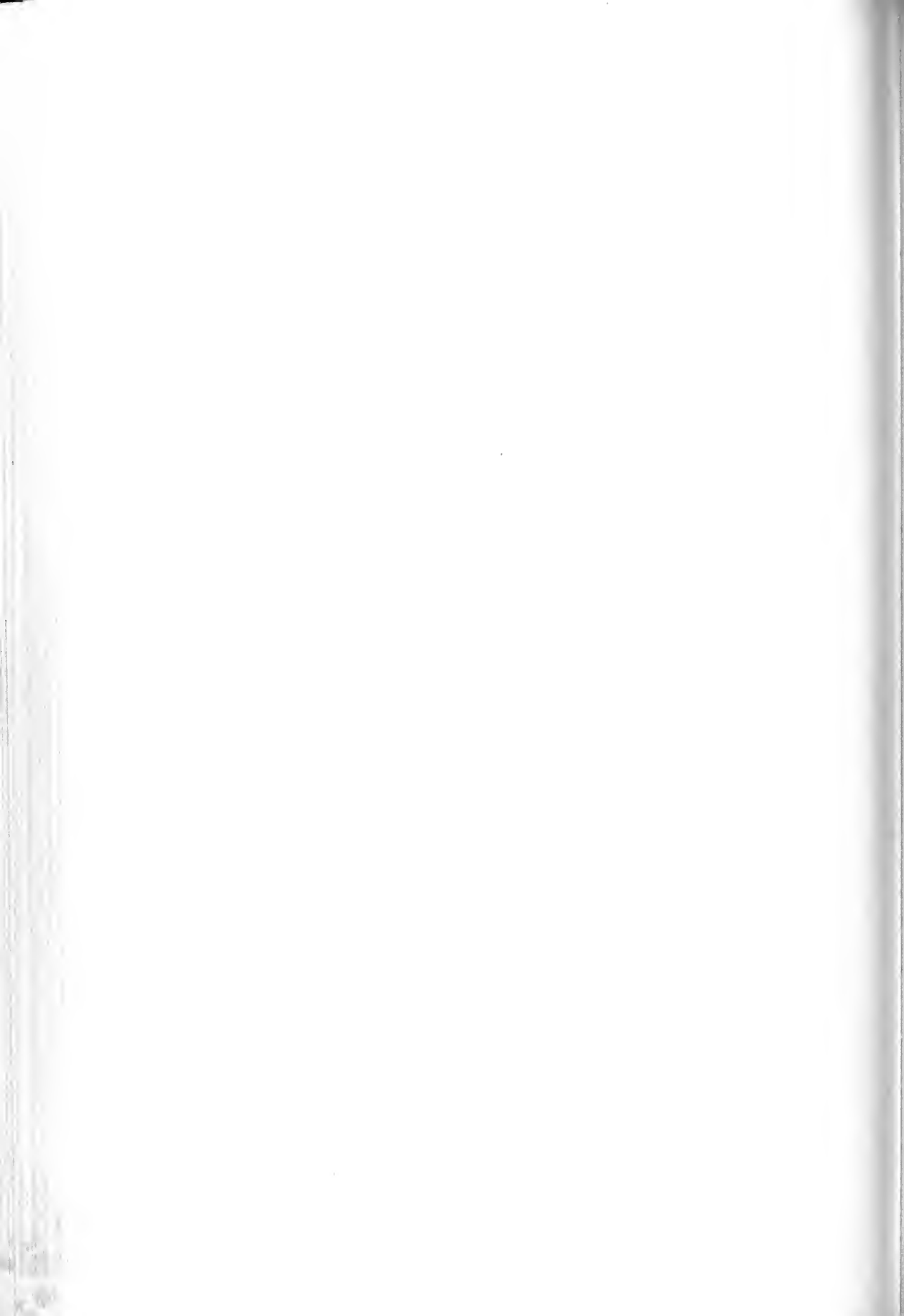
Commence-
ment of
Act.

41. This Act or any part or parts thereof shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

42. This Act may be cited as *The Active Service Election Act, 1942*.

PART III consists of general provisions governing the carrying out of the Act.



BILL

An Act to Provide for the Exercise of the
Franchise by Members of His Majesty's
Forces on Active Service.

1st Reading

February 11th, 1942

2nd Reading

April 10th, 1942

3rd Reading

MR. CONANT

*(Reprinted as amended by a
Select Committee)*

No. 25

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to Provide for the Exercise of the Franchise by Members of His
Majesty's Forces on Active Service.

MR. CONANT

BILL

An Act to Provide for the Exercise of the Franchise
by Members of His Majesty's Forces on
Active Service.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpreta-
tion,—

1. In this Act,—

"active
service
voter";

(a) "active service voter" shall mean a member of the
Forces who, immediately before becoming a mem-
ber,—

(i) was a resident of and domiciled in Canada
for a period of at least three months;

(ii) was ordinarily resident and domiciled in
Ontario for a period of at least thirty days;
and

(iii) was at the date of a writ of election a British
subject;

and shall include every such member whether or
not he has attained the age of twenty-one years;

"camp";

(b) "camp" shall include any area, building, depot or
other place where any unit or formation of the
naval, military or air forces of Canada is stationed
or located;

"Chief
Election
Officer";

(c) "Chief Election Officer" shall mean the Chief Election
Officer appointed under *The Election Act*;

"extra-
provincial
active
service
voter";

(d) "extra-provincial active service voter" shall mean
an active service voter who at the date of a writ for
any election is serving outside the Province;

- (e) "member of the Forces" shall mean a member of the ^{"member of the Forces";} naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such Forces.
- (f) "polling list" shall mean the voters' list prepared ^{"polling list";} under Part I of this Act;
- (g) "prescribed" shall mean prescribed by this Act or ^{"pre-scribed";} the regulations; and
- (h) "regulations" shall mean regulations made under ^{"regulations";} this Act.

2. Subject to provisions of this Act, *The Election Act* and *The Voters' Lists Act* every active service voter shall be entitled to be entered on the list and to vote at any election to the Assembly in the electoral district in which he was ordinarily resident for thirty days prior to his enlistment. ^{Who may vote.}

PART I.

ACTIVE SERVICE VOTING IN THE PROVINCE.

3. Subject to the provisions of section 37 whenever a vacancy occurs in the Assembly or whenever the Assembly is dissolved or expires lists shall be prepared in every camp in Ontario of all active service voters in such camp. ^{Preparation of lists.}

4.—(1) Notwithstanding anything contained in *The Election Act* or any other Act a returning officer who shall also be chief enumerator, shall be appointed for each camp in Ontario in which, by direction of the Chief Election Officer, a poll is to be held. ^{Appointment of returning officer.}

(2) The returning officer, by a commission under his hand in the prescribed form shall, before nomination day, appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk. ^{Appointment of election clerk.}

(3) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties. ^{Death or default of election clerk.}

(4) The election clerk shall assist the returning officer in the performance of his duties, and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his place as returning officer. ^{Duties of election clerk.}

5.—(1) As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the returning officer shall ascertain whether or not there are ^{Ascertainment of voters.}

within the camp for which he is appointed persons who may be active service voters.

Proclamation.

(2) Upon ascertaining the presence in the camp of such persons he shall cause a proclamation in such form as may be prescribed by the Chief Election Officer, to be posted up at prominent locations within the camp calling upon such persons to attend at such places and times as may be mentioned in the proclamation in order that their names may be entered upon the lists by the assistant enumerators who shall attend for such purpose.

Assistant enumerators.

(3) The returning officer shall appoint, in writing, one or more assistant enumerators to assist him in the preparation of the polling lists and shall transmit to the Clerk of the Crown in Chancery a copy of such appointment, certified by him.

ENUMERATION AND PREPARATION OF LISTS.

Who may be entered on the list.

6. Every active service voter, other than an extra-provincial active service voter, shall be entitled to be entered on the list prepared under this Part.

Application to be entered on list.

7.—(1) Every person applying to have his name entered on the list shall sign an application in the prescribed form in which all the information required by such form shall be sufficiently filled in either by the applicant personally or by the assistant enumerator at the applicant's request and, if it appears to the assistant enumerator that the applicant's name should be included in the list, subject to the provisions of subsection 2, he shall enter the name of the applicant on the list as an active service voter.

Evidence required by enumerator.

(2) The assistant enumerator, within the time limited for receiving applications for enumeration shall satisfy himself by consulting the camp or unit records that the applicant did, prior to becoming a member of the Forces, reside in the electoral district named in his application for a period of thirty days and that the other information contained therein is substantially correct.

Failure to qualify.

(3) Where the assistant enumerator is satisfied that the applicant cannot qualify as an active service voter he shall certify to that effect on the application form and the applicant's name shall not be entered on the list.

Doubtful cases.

(4) The assistant enumerator shall, in any case where from the information supplied he is unable to determine the electoral district in which the applicant resided prior to becoming a member of the Forces, forward the application form to the returning officer.

(5) The returning officer shall, not later than the day following the time limited for the enumeration, forward all application forms received by him under subsection 4 to the Clerk of the Crown in Chancery. ^{Reference to Clerk of Crown in Chancery.}

(6) The Clerk of the Crown in Chancery shall determine, if possible, the electoral district in which the applicant resided prior to becoming a member of the Forces and shall forthwith return the application form and his finding in connection therewith to the returning officer, who, if satisfied that the information contained therein entitles the applicant to be placed on the list, shall enter the applicant's name on the list. ^{Duties of Clerk of the Crown in Chancery.}

(7) Every assistant enumerator shall on completion of the lists, attach thereto a declaration in the prescribed form to be taken before the returning officer and shall forthwith deliver the lists to the returning officer. ^{Declaration by enumerator.}

8. The returning officer shall, from the lists received from the assistant enumerators and from the application forms returned to him by the Clerk of the Crown in Chancery under subsection 6 of section 7, prepare a list of the active service voters in the camp, which list shall be in alphabetical order and in the prescribed form. ^{Preparation of list.}

9.—(1) The list as prepared by the returning officer under the provisions of section 8 shall be certified by him and such list shall be the polling list for the camp and shall be supplied to the deputy returning officers for the purpose of holding a poll as provided by this Part. ^{Polling list.}

(2) The returning officer shall forward a copy of the list prepared under the provisions of section 8 to the Chief Election Officer in whose office it shall be open for inspection by any candidate in any election to the Assembly. ^{To be forwarded to Chief Election Officer.}

10.—(1) The returning officer shall appoint, in writing, one or more deputy returning officers for each camp and deliver to him or them in due time the polling lists for the camp prepared by him. ^{Deputy returning officers.}

(2) Every deputy returning officer so appointed shall be,— ^{Qualification.}

- (a) a British subject;
- (b) of the age of twenty-one years;
- (c) a resident of Ontario; and
- (d) a qualified voter.

BALLOT PAPERS.

Ballots.

11. The ballot to be used under this Part shall be in the prescribed form and shall be supplied by the Clerk of the Crown in Chancery to the returning officer, who shall supply to each deputy returning officer a sufficient number for use at his poll.

PROCEDURE AT THE POLL.

Who may not vote.

12. The deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list.

Delivery of ballot.

13.—(1) Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has entered in the space provided therefor the name of the electoral district opposite the name on the polling list of the person tendering his vote.

Initialing ballot.

(2) The deputy returning officer shall also, previous to handing the ballot to the voter, place his initials where indicated on the prescribed form so that when the ballot is folded his initials can be seen without opening it and place on the back of the counterfoil a number corresponding to that placed opposite the voter's name in the poll book.

Names of candidates

(3) The deputy returning officer shall, when handing a ballot paper to the voter, inform him of the names of candidates in the electoral district in which such voter is entitled to cast his ballot.

Marking and depositing ballot papers.

14. The voter on receiving his ballot paper shall forthwith proceed into a compartment of the polling place and there mark his ballot paper, writing thereon in the space provided the name of the candidate for whom he intends to vote, and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

Incapacitated voter, etc.

15.—(1) The deputy returning officer, on the application of any voter who is unable to read or write or is physically incapacitated from voting in the manner prescribed by this Act, shall require the voter making such application to take an oath in the prescribed form of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter and shall place such ballot in the ballot box.

(2) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him. Entry in poll book.

16. The poll clerk shall enter in a special poll book, in the prescribed form, opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath which he has been required to take. Entries in special poll book.

17. The vote of a voter under this Part shall be counted only in the electoral district indicated opposite his name on the polling list. Where vote to be counted.

18. Every person whose name has been entered on the polling list under this Part shall be entitled to vote at the polling place provided for in this Part and not elsewhere in the Province. Where voter shall vote.

PROCEEDINGS AFTER CLOSE OF POLL.

19. Immediately after the close of the poll the deputy returning officer shall first place all the cancelled and declined ballot papers for each electoral district in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted in each electoral district, and make an entry thereof on the line immediately below the name of the voter who voted last, and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate in each electoral district, giving full opportunity for those present to examine each ballot paper. Duties of deputy returning officers after close of poll.

20.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate in each electoral district and the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put in a separate envelope. Disposition of ballots.

(2) The envelopes containing the ballot papers indicating the votes given for the candidates in each electoral district shall be placed in an envelope bearing the name of such electoral district. Candidates' ballots.

Rejected
and unused
ballots.

(3) All rejected and unused ballot papers respectively shall be put in separate envelopes for each electoral district, which shall be endorsed to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal.

Statement
of poll.

21. The deputy returning officer shall make out a statement in the prescribed form in duplicate which shall be signed by him and by the poll clerk, one copy to be attached to the poll book and the other copy to be delivered to the returning officer.

Return of
documents.

22.—(1) The poll book, the polling list, the envelope containing the ballot papers and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and shall be delivered by the deputy returning officer personally to the returning officer.

Oath of
deputy
returning
officer.

(2) Forthwith thereafter the deputy returning officer shall take and subscribe the oath in the prescribed form and shall personally deliver it to the returning officer.

Preliminary
return.

23.—(1) The returning officer shall, immediately upon receipt by him from the deputy returning officers of a return in the prescribed form notify, by telegraph or telephone, the returning officers in each electoral district for which votes have been polled in the camp, of the number of votes polled for each candidate in such electoral district.

Certified
return.

(2) Immediately thereafter the returning officer shall send by registered mail to the returning officer of each electoral district referred to in subsection 1, a certified return in the prescribed form.

Duties of
returning
officer in
electoral
district.

24. In addition to his duties as provided by section 122 of *The Election Act* the returning officer for each electoral district at the place, day and hour appointed by his proclamation, shall include the votes polled for each candidate in his electoral district as shown by the certified return received by him from the camp returning officers under subsection 2 of section 23 in adding up the votes given for each candidate.

Return
of poll
books, etc.

25. The camp returning officer shall, not later than the day following the day of polling, send to the Clerk of the Crown in Chancery by registered mail or express a copy of his return in the prescribed form, the poll books, all envelopes containing ballot papers and all other documents in his possession connected with taking the vote.

PART II.

EXTRA-PROVINCIAL ACTIVE SERVICE VOTING.

26. Every extra-provincial active service voter shall be entitled to vote by proxy as in this Part provided. Vote by proxy.

27.—(1) Every active service voter may appoint in writing in the prescribed form a proxy of the full age of twenty-one years and entitled to vote in the electoral district in which the active service voter is entitled to vote. Appointment by proxy.

(2) Any person may hold any number of appointments for extra-provincial active service voters who are within the degree of relationship to him of wife, husband, sister, brother, parent or child but no person shall hold an appointment for more than one extra-provincial active service voter who is not within such degree of relationship. Limit on proxies held.

28. Any active service voter may obtain from the Chief Election Officer or his agent, in accordance with the regulations made under this Act, an appointment form in the prescribed form and subject to the provisions of this Part, he shall forward the completed form to the person appointed to act as his proxy. Proxy forms.

29. A person who has been appointed a proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with the provisions of *The Voters' Lists Act* in the electoral district in which the extra-provincial active service voter is entitled to vote, to be entered upon such list. Application to be entered on list. Rev. Stat., c. 7.

30. The revising officer shall take evidence on oath as to the right of the extra-provincial active service voter to vote in the electoral district upon the list of which his name is entered and as to the qualifications of the proxy, and if he finds that the extra-provincial active service voter is duly qualified and that the proxy is qualified to act for him, he shall endorse a certificate across the face of the appointment to that effect in the prescribed form, and shall cause the name of the proxy to be entered on the voter's list after the name of the extra-provincial active service voter. Evidence required.

31. A ballot paper shall not be delivered to a person who claims to vote as a proxy unless he produces his appointment as a proxy to the deputy returning officer with the certificate of the revising officer thereon, as provided in section 30, and takes the oath in the prescribed form. Production of proxy.

Entry in
poll book.

32. The deputy returning officer shall record in the poll book provided for that purpose in the prescribed form, the fact that the extra-provincial active service voter voted by proxy, showing the name of the proxy, and shall file the appointment and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Personal
vote of
proxy.

33. A person who has been appointed as a proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for an extra-provincial active service voter.

Illegal
practices.

34.—(1) Every person who,—

- (a) having appointed any person to act as his proxy, attempts to vote at an election otherwise than by means of such proxy while the appointment of such proxy is in force; or
- (b) votes or attempts to vote at any election under the authority of an appointment as a proxy when he knows or has reasonable grounds for supposing that such appointment has been cancelled or that the voter by whom the appointment has been made is no longer entitled to vote,

Rev. Stat.,
c. 8.

shall be guilty of an illegal practice within the meaning of *The Election Act* and shall incur a penalty of \$200, and shall be imprisoned for six months.

Termination
of proxy.

35.—(1) The powers contained in an appointment of a proxy under this Part shall terminate upon the casting of the vote by the proxy, provided however that the extra-provincial active service voter may at any time thereafter appoint a proxy under the provisions of this Part for any subsequent election to the Assembly.

Voidance
of proxy.

(2) Where a person who has appointed a proxy under this section ceases to be a member of the Forces or where such person cancels such appointment in writing the appointment of such proxy shall be null and void and shall not be used.

Ballots.

36. The ballots to be used under this Part shall be according to the prescribed form.

PART III.

GENERAL.

37. Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* shall *mutatis mutandis* apply to the provisions of this Act. Rev. Stat., cc. 7 and 8, to apply.

38. In cases of emergency the Chief Election Officer may give such direction as he may deem proper and anything done in compliance with such direction shall not be open to question. Cases of emergency.

39. The returning officer for each electoral district shall, in addition to the duties imposed on him by *The Election Act*, make a separate count of the votes polled for each candidate under Parts I and II of this Act and shall transmit the statement of such count to the Clerk of the Crown in Chancery in the same manner as provided by section 145 of *The Election Act*. Duties of returning officer. Rev. Stat., c. 8.

40.—(1) The Lieutenant-Governor in Council may make regulations,— Regulations,

- (a) prescribing forms of applications, appointments, ballots, certificates, commissions of appointment, lists, oaths, proxys, returns, special poll books, and statements authorized or required by this Act;
- (b) prescribing the procedure for obtaining proxy forms and any other procedure incidental to the operation of this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

(2) Any regulations made under this section shall be laid before the Legislature within fifteen days after the opening of the next session thereof. to be laid before Assembly.

41. This Act or any part or parts thereof shall come into force on a day to be named by the Lieutenant-Governor by his proclamation. Commencement of Act.

42. This Act may be cited as *The Active Service Election Act, 1942*. Short title

BILL

An Act to Provide for the Exercise of the
Franchise by Members of His Majesty's
Forces on Active Service.

1st Reading

February 11th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. CONANT

No. 26

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Voters' Lists Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Rev. Stat.,
c. 7,
amended.

1. *The Voters' Lists Act* is amended by adding thereto the following sections.

Fees and
expenses
paid by
the Province.

3a. The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Parts III, IV and V shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts.

Revising
officer's
decision
final.

3b. The decision of the revising officer under Parts III, IV, and V in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final.

Rev. Stat.,
c. 7, s. 16,
subs. 2,
cl. b,
amended.

2. Clause *b* of subsection 2 of section 16 of *The Voters' Lists Act* is amended by striking out the word "grown-up" in the fourth line and inserting in lieu thereof the word "adult".

Rev. Stat.,
c. 7,
amended.

3. *The Voters' Lists Act* is amended by adding thereto the following section:

Remunera-
tion of
clerk of
the peace.

20a. The clerk of the peace shall be entitled to remuneration at the rate of \$1 per copy for the services performed by him under subsection 2 of section 19 and subsection 3 of section 20.

Rev. Stat.,
c. 7, s. 26,
subss. 1
and 2,
amended.

4.—(1) Section 26 of *The Voters' Lists Act* is amended by striking out the word "fifteen" where it occurs in the first line of paragraph 6 of subsection 1 and in the fifth line of subsection 2 and inserting in lieu thereof the word "eight".

EXPLANATORY NOTES

SECTION 1. The new section 3*a* relieves the municipalities of the cost of revising the lists for provincial elections and provides for payment by the Province.

The new section 3*b* provides that the decision of the revising officer in revising lists under Parts III, IV and V of the Act shall be final.

SECTION 2. Substitutes the word "adult" for the word "grown-up" as constituting a clearer definition of the person on whom a subpoena may be served when the lists are under revision.

SECTION 3. Makes a definite provision for the payment of the clerk of the peace for certifying lists for the municipalities for which no provision was previously made.

SECTION 4. Reduces the mileage travelling allowance for clerks and assessors in connection with the revision of the lists from fifteen to eight cents a mile and provides for payment of remuneration for such work by the municipalities as heretofore. This brings the mileage allowance into line with rates paid to provincial officials.

Rev. Stat.,
c. 7, s. 26,
amended.

(2) The said section 26 is further amended by adding thereto the following subsection:

Remunera-
tion of
clerk and
assessor.

(3) The compensation under this section shall be paid by the municipality upon the certificate of the judge.

Rev. Stat.,
c. 7, Part IV,
heading,
amended.

5.—(1) The heading of Part IV of *The Voters' Lists Act* is amended by striking out the word "separated" in the second line.

Rev. Stat.,
c. 7, s. 70,
amended.

(2) Section 70 of *The Voters' Lists Act* is amended by striking out the word "separated" in the first line.

Rev. Stat.,
c. 7, s. 86,
amended.

6. Section 86 of *The Voters' Lists Act* is amended by striking out the words "registry office" in the fifth line and inserting in lieu thereof the words "place of registration".

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Voters' Lists Amendment Act, 1942*.

SECTION 5. Provides that enumeration shall take place in all towns and cities having a population of 10,000 and over. Previously only separated towns with a population of 10,000 or over were included.

SECTION 6. Section 86 provides for making application to correct an error on the list of voters "at the registry office for the registration district." The section is clarified and corrected by providing for the application to be made at "the place of registration" for the registration district.

BILL

An Act to amend The Voters' Lists Act.

1st Reading

February 12th, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

No. 26

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Voters' Lists Act.

MR. CONANT

(Reprinted as amended by a Select Committee.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Rev. Stat.,
c. 7,
amended.

1. *The Voters' Lists Act* is amended by adding thereto the following sections.

Fees and
expenses
paid by
the Province.

3a. The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Parts III, IV and V shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts.

Revising
officer's
decision
final.

3b. The decision of the revising officer under Parts III, IV, and V in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final.

Rev. Stat.,
c. 7, s. 16,
subs. 2,
cl. b,
amended.

2. Clause *b* of subsection 2 of section 16 of *The Voters' Lists Act* is amended by striking out the word "grown-up" in the fourth line and inserting in lieu thereof the word "adult".

Rev. Stat.,
c. 7,
amended.

3. *The Voters' Lists Act* is amended by adding thereto the following section:

Remunera-
tion of
clerk of
the peace.

20a. The clerk of the peace shall be entitled to remuneration at the rate of \$1 per copy for the services performed by him under subsection 2 of section 19 and subsection 3 of section 20, such remuneration to be paid by the Municipality.

Rev. Stat.,
c. 7, s. 26,
subss. 1
and 2,
amended.

4.—(1) Section 26 of *The Voters' Lists Act* is amended by striking out the word "fifteen" where it occurs in the first line of paragraph 6 of subsection 1 and in the fifth line of subsection 2 and inserting in lieu thereof the word "eight".

EXPLANATORY NOTES

SECTION 1. The new section 3*a* relieves the municipalities of the cost of revising the lists for provincial elections and provides for payment by the Province.

The new section 3*b* provides that the decision of the revising officer in revising lists under Parts III, IV and V of the Act shall be final.

SECTION 2. Substitutes the word "adult" for the word "grown-up" as constituting a clearer definition of the person on whom a subpoena may be served when the lists are under revision.

SECTION 3. Makes a definite provision for the payment of the clerk of the peace for certifying lists for the municipalities for which no provision was previously made.

SECTION 4. Reduces the mileage travelling allowance for clerks and assessors in connection with the revision of the lists from fifteen to eight cents a mile and provides for payment of remuneration for such work by the municipalities as heretofore. This brings the mileage allowance into line with rates paid to provincial officials.

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c. 7, s. 26,
amended.

(2) The said section 26 is further amended by adding thereto the following subsection:

Remunera-
tion of
clerk and
assessor.

(3) The compensation under this section shall be paid by the municipality upon the certificate of the judge.

Rev. Stat.,
c. 7, Part IV,
heading,
amended.

5.—(1) The heading of Part IV of *The Voters' Lists Act* is amended by striking out the word "separated" in the second line.

Rev. Stat.,
c. 7, s. 70,
amended.

(2) Section 70 of *The Voters' Lists Act* is amended by striking out the word "separated" in the first line.

Rev. Stat.,
c. 7, s. 86,
amended.

6. Section 86 of *The Voters' Lists Act* is amended by striking out the words "registry office" in the fifth line and inserting in lieu thereof the words "place of registration".

Rev. Stat.,
c. 7, s. 109,
amended.

7. Section 109 of *The Voters' Lists Act* is amended by striking out the word "separated" in the fourth line.

Commence-
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

9. This Act may be cited as *The Voters' Lists Amendment Act, 1942*.

SECTION 5. Provides that enumeration shall take place in all towns and cities having a population of 10,000 and over. Previously only separated towns with a population of 10,000 or over were included.

SECTION 6. Section 86 provides for making application to correct an error on the list of voters "at the registry office for the registration district." The section is clarified and corrected by providing for the application to be made at "the place of registration" for the registration district.

SECTION 7. The amendment renders section 109 of *The Voters' Lists Act* consistent with the amendment to *The Voters' Lists Act* effected by section 5 of this Bill.

BILL

An Act to amend The Voters' Lists Act.

1st Reading

February 12th, 1942

2nd Reading

April 10th, 1942

3rd Reading

MR. CONANT

(*Reprinted as amended by a
Select Committee.*)

No. 26

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Voters' Lists Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
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An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Rev. Stat.,
c. 7,
amended.

1. *The Voters' Lists Act* is amended by adding thereto the following sections:

Fees and
expenses
paid by
the Province.

3a. The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Parts III, IV and V shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts.

Revising
officer's
decision
final.

3b. The decision of the revising officer under Parts III, IV, and V in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final.

Rev. Stat.,
c. 7, s. 16,
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cl. b,
amended.

2. Clause *b* of subsection 2 of section 16 of *The Voters' Lists Act* is amended by striking out the word "grown-up" in the fourth line and inserting in lieu thereof the word "adult".

Rev. Stat.,
c. 7,
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3. *The Voters' Lists Act* is amended by adding thereto the following section:

Remunera-
tion of
clerk of
the peace.

20a. The clerk of the peace shall be entitled to remuneration at the rate of \$1 per copy for the services performed by him under subsection 2 of section 19 and subsection 3 of section 20, such remuneration to be paid by the municipality.

Rev. Stat.,
c. 7, s. 26,
subss. 1
and 2,
amended.

4.—(1) Section 26 of *The Voters' Lists Act* is amended by striking out the word "fifteen" where it occurs in the first line of paragraph 6 of subsection 1 and in the fifth line of subsection 2 and inserting in lieu thereof the word "eight".

(2) The said section 26 is further amended by adding thereto the following subsection: Rev. Stat., c. 7, s. 26, amended.

(3) The compensation under this section shall be paid by the municipality upon the certificate of the judge. Remuneration of clerk and assessor.

5.—(1) The heading of Part IV of *The Voters' Lists Act* is amended by striking out the word "separated" in the second line. Rev. Stat., c. 7, Part IV heading, amended.

(2) Section 70 of *The Voters' Lists Act* is amended by striking out the word "separated" in the first line. Rev. Stat., c. 7, s. 70, amended.

6. Section 86 of *The Voters' Lists Act* is amended by striking out the words "registry office" in the fifth line and inserting in lieu thereof the words "place of registration". Rev. Stat., c. 7, s. 86, amended.

7. Section 109 of *The Voters' Lists Act* is amended by striking out the word "separated" in the fourth line. Rev. Stat., c. 7, s. 109, amended.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Voters' Lists Amendment Act, 1942*. Short title.

BILL

An Act to amend The Voters' Lists Act.

1st Reading

February 12th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. CONANT

No. 27

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Election Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 8, s. 11,
amended.

1. Section 11 of *The Election Act* is amended by striking out the figures "102" in the last line and inserting in lieu thereof the figures "100".

Rev. Stat.,
c. 8, s. 18,
par. 2,
re-enacted.

2. Paragraph 2 of section 18 of *The Election Act* as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939 (No. 2)* is repealed and the following substituted therefor:

Disabled
soldiers'
franchise.

2. Every man and every woman who, at the time of tendering a vote,—

(a) is a British subject;

(b) is not qualified to vote under paragraph 1;

(c) is of the full age of twenty-one years;

(d) is not disqualified under this Act, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and who

(e) is serving or served in any country in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war or in the Great War of 1914-1918; and

(f) is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or vocational

SECTION 1. Corrects a typographical error.

SECTION 2. Clarifies the intention of paragraph 2 of section 18 which provides votes in hospitals, etc., for disabled soldiers.

training of persons who are so serving or have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district;

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise).

Rev. Stat.,
c. 8, s. 21,
subs. 3,
re-enacted.

3. Subsection 3 of section 21 of *The Election Act* is repealed and the following substituted therefor:

Evidence
of facts.

(3) For the purposes of this section a statutory declaration by any person claiming to be a British subject shall be *prima facie* evidence of the facts declared to.

Rev. Stat.,
c. 8, s. 76,
subs. 5,
repealed.

4. Subsection 5 of section 76 of *The Election Act* is repealed.

Rev. Stat.,
c. 8, s. 196,
cl. c,
amended.

5. Clause *c* of section 196 of *The Election Act* is amended by striking out the words "one year" in the first line and inserting in lieu thereof the words "four months", so that the said clause shall now read as follows:

Limitation
of actions,
mode of
trial.

(c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Election Amendment Act, 1942*.

SECTION 3. Substitutes a statutory declaration for an oral statement under section 21 when a person claims to be naturalized.

SECTION 4. Repeals a provision which provides for the apportioning of the payment of fees as between the municipalities and the Province. By an amendment contained in Bill No. 26 "An Act to amend The Voters' Lists Act", the Province will hereafter be responsible for all such fees.

SECTION 5. Shortens the time in which an action may be brought for penalties from one year to four months.

BILL

An Act to amend The Election Act.

1st Reading

February 12th, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Election Act.

MR. CONANT

(Reprinted as amended by a Select Committee.)

BILL

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 8, s. 11,
amended.

1. Section 11 of *The Election Act* is amended by striking out the figures "102" in the last line and inserting in lieu thereof the figures "100".



Rev. Stat.,
c. 8, s. 18,
par 1, cl. e,
amended.

2. Clause *e* of paragraph 1 of section 18 of *The Election Act* is amended by striking out the word "separated" in the first and fourth lines.



Rev. Stat.,
c. 8, s. 18,
par. 2,
re-enacted.

3. Paragraph 2 of section 18 of *The Election Act* as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939 (No. 2)* is repealed and the following substituted therefor:

Disabled
soldiers'
franchise.

2. Every man and every woman who, at the time of tendering a vote,—

(a) is a British subject;

(b) is not qualified to vote under paragraph 1;

(c) is of the full age of twenty-one years;

(d) is not disqualified under this Act, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and who

(e) is serving or served in any country in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war or in the Great War of 1914-1918; and

SECTION 1. Corrects a typographical error.

SECTION 2. The amendment renders paragraph 1 of section 18 of *The Election Act* consistent with *The Voters' Lists Act* as amended by section 5 of Bill No. 26.

SECTION 3. Clarifies the intention of paragraph 2 of section 18 which provides votes in hospitals, etc., for disabled soldiers.

(f) is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or vocational

training of persons who are so serving or have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district;

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise).

Rev. Stat.,
c. 8, s. 21,
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4. Subsection 3 of section 21 of *The Election Act* is repealed and the following substituted therefor:

Evidence
of facts.

(3) For the purposes of this section a statutory declaration by any person claiming to be a British subject shall be *prima facie* evidence of the facts declared to.

Rev. Stat.,
c. 8, s. 76,
subs. 5,
repealed.

5. Subsection 5 of section 76 of *The Election Act* is repealed.

Rev. Stat.,
c. 8, s. 196,
cl. c,
amended.

6. Clause *c* of section 196 of *The Election Act* is amended by striking out the words "one year" in the first line and inserting in lieu thereof the words "four months", so that the said clause shall now read as follows:

Limitation
of actions,
mode of
trial.

(c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury.

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BILL

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1st Reading

February 12th, 1942

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April 10th, 1942

3rd Reading

MR. CONANT

*(Reprinted as amended by a
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No. 27

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Election Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 8, s. 11,
amended.

1. Section 11 of *The Election Act* is amended by striking out the figures "102" in the last line and inserting in lieu thereof the figures "100".

Rev. Stat.,
c. 8, s. 18,
par 1, cl. e,
amended.

2. Clause *e* of paragraph 1 of section 18 of *The Election Act* is amended by striking out the word "separated" in the first and fourth lines.

Rev. Stat.,
c. 8, s. 18,
par. 2,
re-enacted.

3. Paragraph 2 of section 18 of *The Election Act* as amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1939 (No. 2)* is repealed and the following substituted therefor:

Disabled
soldiers'
franchise.

2. Every man and every woman who, at the time of tendering a vote,—

(a) is a British subject;

(b) is not qualified to vote under paragraph 1;

(c) is not disqualified under this Act, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and whether or not he or she has attained the age of twenty-one years, and who

(d) is serving or served in any country in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war or in the Great War of 1914-1918; and

(e) is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or vocational training of persons who are so serving or have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district;

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise).

4. Subsection 3 of section 21 of *The Election Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 8, s. 21,
subs. 3,
re-enacted.

(3) For the purposes of this section a statutory declaration by any person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence
of facts.

5. Subsection 5 of section 76 of *The Election Act* is repealed. Rev. Stat.,
c. 8, s. 76,
subs. 5,
repealed.

6. Clause c of section 196 of *The Election Act* is amended by striking out the words "one year" in the first line and inserting in lieu thereof the words "four months", so that the said clause shall now read as follows: Rev. Stat.,
c. 8, s. 196,
cl. c,
amended.

(c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. Limitation
of actions,
mode of
trial.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

8. This Act may be cited as *The Election Amendment Act*, 1942. Short title.

BILL

An Act to amend The Election Act.

1st Reading

February 12th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Summary Convictions Act.

MR. CONANT

No. 28

1942

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 136,
amended.

1. *The Summary Convictions Act* is amended by adding thereto the following sections:

Service by
mail.

3a.—(1) Every summons issued for a violation of any of the provisions of any Act of this Legislature or of any regulation or order made thereunder or of any municipal or other by-law shall be served by sending it by prepaid post to the person summoned.

Violations
of Rev.
Stat.,
c. 288.

(2) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it within ten days of the alleged violation by prepaid post to the person summoned.

Address.

(3) Every such summons shall be sent,—

(a) where the person summoned is not a corporation, to his last or most usual place of abode; and

(b) where the person summoned is a corporation, to the chief place of business or office or a branch of such corporation; or

(c) where the person summoned is the holder of a license or permit issued by the Minister or Department of Highways, to the address registered with the Department.

Non-appear-
ance of
person
summoned.

(4) A summons served under subsection 1 or 2 shall have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by his counsel or other representative

EXPLANATORY NOTE

At the last session of the Legislature, provision was made for serving summonses for violations of *The Highway Traffic Act* by prepaid mail. This Bill extends the service of summonses by mail to those issued for violations of any provincial statute as well as municipal and other by-laws and regulations. The requirement that summonses shall be served within ten days of the violation continues to apply only to violations of *The Highway Traffic Act*.

Provision is made for serving a summons upon a corporation where one of the officers now required to be served cannot be located. (See section 3a (6) (b).)

Provision is also made for dispensing with service by mail and permitting personal service in the first instance in certain circumstances. (See section 3b.)

at the time and place indicated in the summons, the summons will be served,—

- (a) where the person summoned is not a corporation, by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department; and
- (b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, or by leaving it at a place of business, office or branch of the corporation, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department,

and that in the event of a conviction, the person summoned may be required to pay the cost of such service.

When
deemed
not served.

- (5) A summons sent under subsection 1 or 2 shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons for appearance.

Further
summons.

- (6) Where a summons is deemed not to have been served another summons shall be issued and shall be served,—

- (a) where the person summoned is not a corporation, by personal service or by leaving it for the person summoned at his last or most usual place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years; or
- (b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, and if any of such persons cannot conveniently be met with, by leaving

it at a place of business, office or branch of the corporation, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with an employee of the corporation apparently not under sixteen years of age.

Violations
of Rev.
Stat.,
c. 288.

- (7) Where a summons issued under subsection 6 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within ten days of the date upon which the person is required to appear by the original summons.

Extension
of time for
issue and
service.

- (8) The time for issuing and serving a summons under subsection 2 may be extended by a magistrate on sufficient evidence being adduced that by reason of the default or unlawful act of the person to be summoned, a summons could not be issued and served within the prescribed time.

Extension
of time for
service.

- (9) The time for serving a summons under subsection 7 may be extended by a magistrate on sufficient evidence being adduced that the person summoned could not be served within the prescribed time.

Proof of
sending.

- (10) The sending of a summons by prepaid post may be proved by the affidavit of the person who posted the summons which shall state,—

(a) the place, date and time of posting;

(b) the name of the person and the address to which the summons was sent; and

(c) that such address is,—

(i) to the best of the knowledge and belief of the deponent, the last or most usual place of abode of the person summoned, or

(ii) where the person summoned is a corporation, the chief place of business or office or a branch of such corporation, or

(iii) registered with the Department of Highways as being the address of the person summoned, according to advice received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

Service by
post may be
dispensed
with.

3b.—(1) A justice of the peace may dispense with the service by prepaid post of any summons on sufficient evidence being adduced that,—

(a) the address of such person is uncertain or unknown;

(b) such person has no permanent residence in Ontario;

(c) the summons will be served upon such person together with a summons which is by law required to be served by personal service; or

(d) such person is in the presence of the justice of the peace.

Manner of
serving.

(2) Where service by prepaid post of any summons is dispensed with under subsection 1, such summons shall be served in the manner prescribed by subsection 6 of section 3a and where any such summons is for a violation of any of the provisions of *The Highway Traffic Act*, it shall be served within ten days of the alleged violation.

Endorse-
ment by
justice of
the peace.

(3) Where a justice of the peace dispenses with service by prepaid post of any summons he shall endorse thereon the words "Service by prepaid post of the within summons is hereby dispensed with pursuant to clause (a, b, c or d, as the case may be) of subsection 1 of section 3b of *The Summary Convictions Act* (as enacted by *The Summary Convictions Amendment Act, 1942*") together with the date and his signature and the words "Justice of the Peace."

Endorse-
ment.

(4) A summons served under this section shall not bear the endorsement indicated in subsection 4 of section 3a.

No fee or
charge.

(5) No charge or fee shall be made or received for any service effected under this section where service by prepaid post was dispensed with under clause c or d of subsection 1.

1941, c. 56,
repealed.

2. *The Summary Convictions Amendment Act, 1941*, is repealed.

Commence-
ment of Act. **3.** This Act shall come into force on the 1st day of July,
1942.

Short title. **4.** This Act may be cited as *The Summary Convictions
Amendment Act, 1942.*

An Act to amend The Summary
Convictions Act.

1st Reading

February 12th, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 28

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Summary Convictions Act.

MR. CONANT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 136,
amended.

1. *The Summary Convictions Act* is amended by adding thereto the following sections:

Service by
mail.

3a.—(1) Every summons issued for a violation of any of the provisions of any Act of this Legislature or of any regulation or order made thereunder or of any municipal or other by-law shall be served by sending it by prepaid post to the person summoned.

Violations
of Rev.
Stat.,
c. 288.

(2) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it within ten days of the alleged violation by prepaid post to the person summoned.

Address.

(3) Every such summons shall be sent,—

(a) where the person summoned is not a corporation, to his last or most usual place of abode; and

(b) where the person summoned is a corporation, to the chief place of business or office or a branch of such corporation; or

(c) where the person summoned is the holder of a license or permit issued by the Minister or Department of Highways, to the address registered with the Department.

Non-appear-
ance of
person
summoned.

(4) Except as provided in subsection 6 a summons served under subsection 1 or 2 shall have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by

EXPLANATORY NOTE

At the last session of the Legislature, provision was made for serving summonses for violations of *The Highway Traffic Act* by prepaid mail. This Bill extends the service of summonses by mail to those issued for violations of any provincial statute as well as municipal and other by-laws and regulations. The requirement that summonses shall be served within ten days of the violation continues to apply only to violations of *The Highway Traffic Act*.

his counsel or other representative at the time and place indicated in the summons, the summons will be served,—

- (a) where the person summoned is not a corporation, by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department; and
- (b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, or by leaving it at a place of business, office or branch of the corporation, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department,

and that in the event of a conviction, the person summoned may be required to pay the cost of such service.

When
deemed
not served.

- (5) Except as provided in subsection 6 a summons sent under subsection 1 or 2 shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons for appearance.



Further
summons.

- (6) Where a summons is issued for a violation of any of the provisions of *The Highway Traffic Act* against a person who resides outside of Ontario, whether within or without Canada, the summons shall be deemed to have been duly served when it has been sent by prepaid post to the last or most usual place of abode of the person summoned and every such summons shall have endorsed upon its face in bold-face type a notice as follows—"Take notice that the within summons has been issued against you for the offence indicated therein and is served by post upon a non-resident of Ontario in accordance with the provisions of *The Summary Convictions Act*. If you do not appear in person or by counsel or other representative to make your defence at the time and place indicated in the summons, the charge will be proceeded with in your absence."



The proposed subsection 6 takes care of the situation where a person from outside of Ontario is stopped by a police officer for an offence such as speeding. In cases of this type where the offender does not wish to wait for a court hearing of the charge, he leaves a deposit with the officer for which he receives a receipt. The proposed subsection, by permitting a summons to be served by prepaid post upon the offender, without any further service, makes it possible for the magistrate to deal with the charge in the absence of the offender and to impose a fine which may be paid out of the deposit.

(7) Where a summons is deemed not to have been served another summons shall be issued and shall be served,—

(a) where the person summoned is not a corporation, by personal service or by leaving it for the person summoned at his last or most usual place of abode, with some inmate thereof apparently not under the age of sixteen years, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years; or

(b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, and if any of such persons cannot conveniently be met with, by leaving it at a place of business, office or branch of the corporation, with an employee of the corporation apparently not under sixteen years of age, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with an employee of the corporation apparently not under sixteen years of age.

Violations
of Rev.
Stat.,
c. 288.

(8) Where a summons issued under subsection 7 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within ten days of the date upon which the person is required to appear by the original summons.

Extension
of time for
issue and
service.

(9) The time for issuing and serving a summons under subsection 2 may be extended by a magistrate on sufficient evidence being adduced that by reason of the default or unlawful act of the person to be summoned, a summons could not be issued and served within the prescribed time.

Extension
of time for
service.

(10) The time for serving a summons under subsection 8 may be extended by a magistrate on sufficient evidence being adduced that the person summoned could not be served within the prescribed time.

Provision is made for serving a summons upon a corporation where one of the officers now required to be served cannot be located. (See section 3a (7) (b).)

Proof of
sending.

(11) The sending of a summons by prepaid post may be proved by the affidavit of the person who posted the summons which shall state,—

- (a) the place, date and time of posting;
- (b) the name of the person and the address to which the summons was sent; and
- (c) that such address is,—
 - (i) to the best of the knowledge and belief of the deponent, the last or most usual place of abode of the person summoned, or
 - (ii) where the person summoned is a corporation, the chief place of business or office or a branch of such corporation, or
 - (iii) registered with the Department of Highways as being the address of the person summoned, according to advice received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

Service by
post may be
dispensed
with.

3b.—(1) A justice of the peace may dispense with the service by prepaid post of any summons upon the person named therein on sufficient evidence being adduced that,—

- (a) the address of such person is uncertain or unknown;
- (b) such person has no permanent residence in Ontario;
- (c) the summons will be served upon such person together with a summons which is by law required to be served by personal service; or
- (d) such person is in the presence of the justice of the peace.

Manner of
serving.

(2) Where service by prepaid post of any summons is dispensed with under subsection 1, such summons shall be served in the manner prescribed by subsection 7 of section 3a and where any such summons is for a violation of any of the provisions of *The*

Provision is also made for dispensing with service by mail and permitting personal service in the first instance in certain circumstances. (See section 3*b*.)

Highway Traffic Act, it shall be served within ten days of the alleged violation.

Endorse-
ment by
justice of
the peace.

- (3) Where a justice of the peace dispenses with service by prepaid post of any summons he shall endorse thereon the words "Service by prepaid post of the within summons is hereby dispensed with pursuant to clause (a, b, c or d, as the case may be) of subsection 1 of section 3b of *The Summary Convictions Act* (as enacted by *The Summary Convictions Amendment Act, 1942*)" together with the date and his signature and the words "Justice of the Peace."

Endorse-
ment.

- (4) A summons served under this section shall not bear the endorsement indicated in subsection 4 of section 3a.

No fee or
charge.

- (5) No charge or fee shall be made or received for any service effected under this section where service by prepaid post was dispensed with under clause c or d of subsection 1.

1941, c. 56,
repealed.

2. *The Summary Convictions Amendment Act, 1941*, is repealed.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of July, 1942.

Short title.

4. This Act may be cited as *The Summary Convictions Amendment Act, 1942*.

BILL

An Act to amend The Summary
Convictions Act.

1st Reading

February 12th, 1942

2nd Reading

February 26th, 1942

3rd Reading

MR. CONANT

(Reprinted as amended in Committee of the
Whole House.)

No. 28

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

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An Act to amend The Summary Convictions Act.

MR. CONANT

TORONTO
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No. 28

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BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 136,
amended.

1. *The Summary Convictions Act* is amended by adding thereto the following sections:

Service by
mail.

3a.—(1) Every summons issued for a violation of any of the provisions of any Act of this Legislature or of any regulation or order made thereunder or of any municipal or other by-law shall be served by sending it by prepaid post to the person summoned.

Violations
of Rev.
Stat.,
c. 288.

(2) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it within ten days of the alleged violation by prepaid post to the person summoned.

Address.

(3) Every such summons shall be sent,—

- (a) where the person summoned is not a corporation, to his last or most usual place of abode; and
- (b) where the person summoned is a corporation, to the chief place of business or office or a branch of such corporation; or
- (c) where the person summoned is the holder of a license or permit issued by the Minister or Department of Highways, to the address registered with the Department.

Non-appear-
ance of
person
summoned.

(4) Except as provided in subsection 6 a summons served under subsection 1 or 2 shall have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by

his counsel or other representative at the time and place indicated in the summons, the summons will be served,—

- (a) where the person summoned is not a corporation, by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department; and
- (b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, or by leaving it at a place of business, office or branch of the corporation, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department,

and that in the event of a conviction, the person summoned may be required to pay the cost of such service.

- (5) Except as provided in subsection 6 a summons sent under subsection 1 or 2 shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons for appearance. ^{When deemed not served.}
- (6) Where a summons is issued for a violation of any of the provisions of *The Highway Traffic Act* against a person who resides outside of Ontario, whether within or without Canada, the summons shall be deemed to have been duly served when it has been sent by prepaid post to the last or most usual place of abode of the person summoned and every such summons shall have endorsed upon its face in bold-face type a notice as follows—"Take notice that the within summons has been issued against you for the offence indicated therein and is served by post upon a non-resident of Ontario in accordance with the provisions of *The Summary Convictions Act*. If you do not appear in person or by counsel or other representative to make your defence at the time and place indicated in the summons, the charge will be proceeded with in your absence." ^{Further summons.}

(7) Where a summons is deemed not to have been served another summons shall be issued and shall be served,—

(a) where the person summoned is not a corporation, by personal service or by leaving it for the person summoned at his last or most usual place of abode, with some inmate thereof apparently not under the age of sixteen years, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with some inmate thereof apparently not under the age of sixteen years; or

(b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, and if any of such persons cannot conveniently be met with, by leaving it at a place of business, office or branch of the corporation, with an employee of the corporation apparently not under sixteen years of age, or in the case of the holder of a license or permit issued by the Minister or Department of Highways, at the address registered with the Department, with an employee of the corporation apparently not under sixteen years of age.

Violations
of Rev.
Stat.,
c. 288.

(8) Where a summons issued under subsection 7 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within ten days of the date upon which the person is required to appear by the original summons.

Extension
of time for
issue and
service.

(9) The time for issuing and serving a summons under subsection 2 may be extended by a magistrate on sufficient evidence being adduced that by reason of the default or unlawful act of the person to be summoned, a summons could not be issued and served within the prescribed time.

Extension
of time for
service.

(10) The time for serving a summons under subsection 8 may be extended by a magistrate on sufficient evidence being adduced that the person summoned could not be served within the prescribed time.

- (11) The sending of a summons by prepaid post may be ^{Proof of sending.} proved by the affidavit of the person who posted the summons which shall state,—

- (a) the place, date and time of posting;
- (b) the name of the person and the address to which the summons was sent; and
- (c) that such address is,—
 - (i) to the best of the knowledge and belief of the deponent, the last or most usual place of abode of the person summoned, or
 - (ii) where the person summoned is a corporation, the chief place of business or office or a branch of such corporation, or
 - (iii) registered with the Department of Highways as being the address of the person summoned, according to advice received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

- 3b.—(1) A justice of the peace may dispense with the ^{Service by post may be dispensed with.} service by prepaid post of any summons upon the person named therein on sufficient evidence being adduced that,—

- (a) the address of such person is uncertain or unknown;
- (b) such person has no permanent residence in Ontario;
- (c) the summons will be served upon such person together with a summons which is by law required to be served by personal service; or
- (d) such person is in the presence of the justice of the peace.

- (2) Where service by prepaid post of any summons is ^{Manner of serving.} dispensed with under subsection 1, such summons shall be served in the manner prescribed by subsection 7 of section 3a and where any such summons is for a violation of any of the provisions of *The*

Highway Traffic Act, it shall be served within ten days of the alleged violation.

Endorse-
ment by
justice of
the peace.

- (3) Where a justice of the peace dispenses with service by prepaid post of any summons he shall endorse thereon the words "Service by prepaid post of the within summons is hereby dispensed with pursuant to clause (a, b, c or d, as the case may be) of subsection 1 of section 3b of *The Summary Convictions Act* (as enacted by *The Summary Convictions Amendment Act, 1942*)" together with the date and his signature and the words "Justice of the Peace."

Endorse-
ment.

- (4) A summons served under this section shall not bear the endorsement indicated in subsection 4 of section 3a.

No fee or
charge.

- (5) No charge or fee shall be made or received for any service effected under this section where service by prepaid post was dispensed with under clause c or d of subsection 1.

1941, c. 56,
repealed.

2. *The Summary Convictions Amendment Act, 1941*, is repealed.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of July, 1942.

Short title.

4. This Act may be cited as *The Summary Convictions Amendment Act, 1942*.

An Act to amend The Summary
Convictions Act.

1st Reading

February 12th, 1942

2nd Reading

February 26th, 1942

3rd Reading

April 1st, 1942

MR. CONANT

No. 29

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Mortgage Tax Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mortgage Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 172, s. 2,
subs. 2,
amended.

1.—(1) Subsection 2 of section 2 of *The Mortgage Tax Act* is amended by striking out the words “to the treasurer of the municipality” in the fifth and sixth lines and inserting in lieu thereof the words “to the Inspector of Legal Offices who shall deposit such amount with the Treasurer of Ontario to the credit of the municipality”, so that the said subsection shall now read as follows:

Amount
collected
to be
paid to
Inspector.

(2) The registrar and master shall, within the first week of each month, furnish the Inspector of Legal Offices with a statement of the amount collected during the previous month in respect of the said tax, and shall pay over the amount thereof, less the percentage provided for in subsection 1, to the Inspector of Legal Offices who shall deposit such amount with the Treasurer of Ontario to the credit of the municipality.

Rev. Stat.,
c. 172, s. 2,
amended.

(2) The said section 2 is further amended by adding thereto the following subsections:

Mortgage
Tax Fund
Account.

(3) The Treasurer of Ontario shall open an account in his books to be known as the “Mortgage Tax Fund Account” and shall keep a separate account of the amounts deposited to the credit of each municipality.

Interest.

(4) The money so received by the Treasurer of Ontario and credited to the account of each municipality shall bear interest at the rate of three per centum per annum compounded annually and shall be applied as follows and in the order given,—

Application
of money.

(a) in payment of any of the expenses of the land titles office and registry office, payable

EXPLANATORY NOTE

By legislation enacted in 1918 (see Ontario Statutes, 1918, c. 20, s. 70) counties or cities with a population of over 200,000 were enabled to impose a tax of one-tenth of one per centum on mortgages registered in the registry or land titles office.

Under this original legislation the moneys were paid to the Inspector of Legal Offices and after meeting any operating deficits in the land titles office the balance was paid to the municipality.

By an amendment enacted in 1929 (Ontario Statutes 1929, c. 44) the moneys were made payable directly to the municipality.

This Bill provides that the moneys shall be paid to the Inspector of Legal Offices and deposited with the Treasurer of Ontario. They will be applied in payment of any deficits in the operation of the registry or land titles office and by Order-in-Council for premises and equipment for registry or land titles offices or for other premises and equipment in connection with the administration of justice.

by the municipality after applying in payment of any such expenses the money received from the registrar as provided by section 152 of *The Land Titles Act*; and

Rev. Stat.,
c. 174.

- (b) for the purpose of defraying such expenses and charges in connection with the registry or land titles office premises and equipment or other premises and equipment in connection with the administration of justice as the Lieutenant-Governor in Council on the recommendation of the Attorney-General may approve.

Commence-
ment of Act.

- 2.** This Act shall come into force on the 1st day of July, 1942.

Short title.

- 3.** This Act may be cited as *The Mortgage Tax Amendment Act, 1942*.

BILL

An Act to amend The Mortgage Tax Act.

1st Reading

February 12th, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

No. 30

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
cl. oo,
(1938, c. 30,
s. 2),
amended.

1. Clause oo of section 1 of *The Public Health Act* as enacted by section 2 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word "minutes" in the fourth line the words "or such other temperature and time as may be set by the Lieutenant-Governor in Council", so that the said clause shall now read as follows:

"Pasteuriza-
tion."

(oo) "Pasteurization" shall mean the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, or such other temperature and time as may be set by the Lieutenant-Governor in Council, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and "pasteurized" shall have a corresponding meaning.

Rev. Stat.,
c. 299, s. 60,
subs. 1,
amended.

2. Subsection 1 of section 60 of *The Public Health Act* is amended by striking out the words "coming from abroad or residing in", in the first and second lines, and inserting in lieu thereof the words "found within", so that the said subsection shall now read as follows:

Isolation of
infected
persons.

(1) If any person found within any municipality within Ontario is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessities for him.

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. This amendment provides that transients within a municipality who have come from other parts of the province and who have recently been infected with, or exposed to, communicable diseases, can be isolated in the same manner as a resident of a municipality.

Rev. Stat.,
c. 299, s. 75,
subs. 2,
repealed.

3. Subsection 2 of section 75 of *The Public Health Act* is repealed and the following substituted therefor:

No fumiga-
tion without
permit.

(2) No person shall,—

(a) be engaged in or perform or do any act in connection with the fumigation of any premises; or

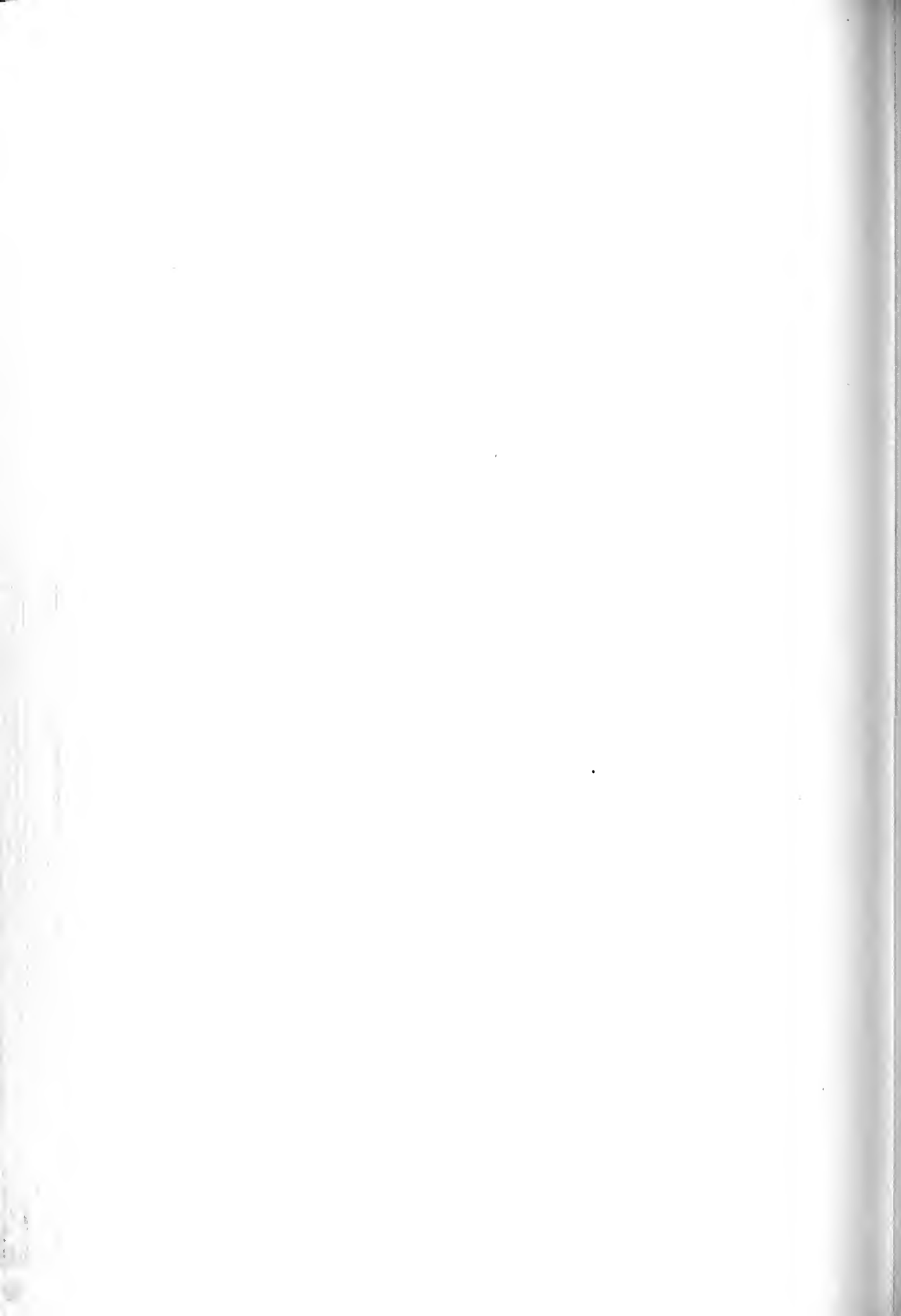
(b) offer to fumigate or solicit contracts to fumigate any premises,

except under the authority of the regulations.

Short
title.

4. This Act may be cited as *The Public Health Amendment Act, 1942*.

SECTION 3. This amendment prohibits unlicensed fumigators soliciting fumigation contracts.



BILL

An Act to amend The Public Health Act.

1st Reading

February 16th, 1942

2nd Reading

3rd Reading

MR. KIRBY

No. 30

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Public Health Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
cl. 00,
(1938, c. 30,
s. 2),
amended.

1. Clause 00 of section 1 of *The Public Health Act* as enacted by section 2 of *The Public Health Amendment Act, 1938*, is amended by inserting after the word "minutes" in the fourth line the words "or such other temperature and time as may be set by the Lieutenant-Governor in Council", so that the said clause shall now read as follows:

"Pasteuriza-
tion."

(00) "Pasteurization" shall mean the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, or such other temperature and time as may be set by the Lieutenant-Governor in Council, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and "pasteurized" shall have a corresponding meaning.

Rev. Stat.,
c. 299, s. 60,
subs. 1,
amended.

2. Subsection 1 of section 60 of *The Public Health Act* is amended by striking out the words "coming from abroad or residing in", in the first and second lines, and inserting in lieu thereof the words "found within", so that the said subsection shall now read as follows:

Isolation of
infected
persons.

(1) If any person found within any municipality within Ontario is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

3. Subsection 2 of section 75 of *The Public Health Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 299, s. 75,
subs. 2,
repealed.

(2) No person shall,—

No fumiga-
tion without
permit.

(a) be engaged in or perform or do any act in connection with the fumigation of any premises; or

(b) offer to fumigate or solicit contracts to fumigate any premises,

except under the authority of the regulations.

4. This Act may be cited as *The Public Health Amendment Act, 1942*.

Short
title.

An Act to amend The Public Health Act.

1st Reading

February 16th, 1942

2nd Reading

March 26th, 1942

3rd Reading

April 1st, 1942

MR. KIRBY

No. 31

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Denistry Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 227
amended.

1. *The Dentistry Act* is amended by renumbering the present section 1 as 1a, and by adding thereto the following section:

Interpreta-
tion,—

1. In this Act,—

“College”;

(a) “College” shall mean The Royal College of Dental Surgeons of Ontario;

“dentistry”;
“dental
surgery”;

(b) “dentistry” or “dental surgery” shall mean any professional service usually performed by a dentist or dental surgeon and shall include,—

(i) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in or from any human tooth, jaw or associated structure or tissue or any injury thereto;

(ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause (i), or to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the human oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in

EXPLANATORY NOTES

The purpose of the Bill is to prevent unqualified persons from practising dentistry.

SECTION 1. Several words used in *The Dentistry Act* are defined in a manner consistent with their use in the Act. "Dentistry" and "dental surgery" are used interchangeably in *The Dentistry Act* and are defined accordingly.

the treatment of any condition thereof;
and

- (iii) the taking or making, or the giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge, appliance or thing;

“practice”;

- (c) “practice” shall mean the practice of dentistry or dental surgery; and

“profession”.

- (d) “profession” shall mean the profession of dentistry or dental surgery.

Rev. Stat.,
c. 227, s. 7,
subs. 1,
re-enacted.

2. Subsection 1 of section 7 of *The Dentistry Act* is repealed and the following substituted therefor:

President
and officers.

- (1) Every Board shall at its first meeting, elect a president and a vice-president and shall appoint a registrar, a treasurer and a secretary, and such other officers as the Board considers necessary and any two or more of such appointive offices may be held by one person.

Rev. Stat.,
c. 227, s. 20,
subs. 1,
re-enacted.

3.—(1) Subsection 1 of section 20 of *The Dentistry Act* is repealed and the following substituted therefor:

Prohibition
against
practising
without
certificate.

- 20.—(1) No person who is not a member of the College shall, by himself or by any other person,

- (a) practise or hold himself out as qualified or entitled to practise the profession of dentistry or any branch thereof;
- (b) provide or perform any service, act or operation which is part of the practice of dentistry or any branch thereof, or undertake or purport to provide or perform any such service, act or operation;
- (c) make, produce, reproduce, construct, furnish supply, alter or repair any prosthetic denture, bridge, appliance or thing to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition

SECTION 2. Hereafter the registrar of The Royal College of Dental Surgeons of Ontario shall be appointed by the Board instead of elected by it.

SECTION 3—Subsection 1. Subsection 1 of section 20 of the Act is recast. The section in its altered form removes doubt as to the application of the Act to all dental services, it having been suggested that its application was limited to operations in the nature of dental surgery. The new wording of the section is consistent with that used in the definition of "dentistry".

The effect of clause (c) of subsection 1 and of subsections 1*a* and 1*b* is to prohibit mechanical dentists from performing dental work except upon the instructions of qualified dentists. While qualified dentists are, by the Act, required to give written instructions, mechanical dentists do not violate the Act if the instructions upon which they act are verbal.

in the oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or give any advice or assistance in connection therewith, except on the prescription or instructions of a member of the College and, where the use of a design, impression or cast is necessary, except by the use of a design, impression or cast furnished by a member of the College with such prescription or instructions;

(d) take or use any name, title, addition or description representing or implying that he holds a certificate of license to practise dentistry or that he is a member of the College; or

(e) represent that he is, or take or use any name, title, addition or description representing or implying that he is a graduate of any dental college or that he practises or is entitled or qualified to practise dentistry or any branch thereof, or which contains the words "dentist", "dentistry", "dental", "dental surgeon", or "dental surgery", or any similar word or words or any derivative thereof or any letters, signs or abbreviation having a similar significance.

Furnishing
written
prescription.

(1a) It shall be the duty of every member of the College to furnish to the dental technician or other person instructed by him to undertake or perform any work or service or give any advice or assistance in clause c of subsection 1 described, a written prescription therefor signed by such member, and where necessary, a design, impression or cast, at the time of giving such prescription or instructions.

What not to
be deemed
contraven-
tion of
section.

(1b) No work, service, advice or assistance, in clause c of subsection 1 described, which is undertaken, performed or given by any person pursuant to a prescription or instructions of a member of the College, and by the use of a design, impression or cast furnished by a member of the College with such prescription or instructions, where a design, impression or cast is necessary, shall be deemed to be a contravention of the provisions of this section.

Rev. Stat.,
c. 227, s. 20,
subs. 2,
amended.

(2) Subsection 2 of the said section 20 is amended by inserting at the commencement thereof the words "Except

Subsection 2. Subsection 2 of section 20 prohibits a person from having dental equipment in any place in pursuit of his business, trade or calling. The amendment authorizes the Board to permit any person to have such equipment.

with the written permission of the Board", by striking out the words "dental surgery or perform dental operations" in the fifth and sixth lines and inserting in lieu thereof the words "dentistry or any branch thereof", and by striking out the words "dental surgery and the performance of dental operations" in the eighth and ninth lines and inserting in lieu thereof the word "dentistry", so that the said subsection shall now read as follows:

Dental
equipment—
restriction
as to use of
by unquali-
fied person.

- (2) Except with the written permission of the Board no person in pursuit of his business, trade or calling shall have in any place dental equipment of a character similar to that with which a place of business of a member of the College is equipped, and which equipment would enable the person generally to practise dentistry or any branch thereof, and the presence of such equipment in such place shall be *prima facie* evidence that the practice of dentistry is being carried on therein.

Rev. Stat.,
c. 227, s. 20,
amended.

- (3) The said section 20 is further amended by adding thereto the following subsection:

Power to
enter and
search
premises.

- (7) Upon information on oath by any duly authorized agent of the College that he has reasonable cause to believe that there is in any building or premises, any dental equipment which is being, has been or is likely to be used contrary to the provisions of this Act, or that any prosthetic denture, bridge, appliance or thing is being, has been or is likely to be made, produced, reproduced, fitted, constructed, furnished, supplied, altered or repaired, contrary to the provisions of this Act, it shall be lawful for any justice of the peace, by warrant under his hand, to authorize and empower such agent or any other person named therein to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or any receptacle therein that might contain any such dental equipment, prosthetic denture, bridge, appliance or thing.

Rev. Stat.,
c. 227, s. 21,
re-enacted.

4. Section 21 of *The Dentistry Act* is repealed and the following substituted therefor:

Onus of
proof.

21. In any prosecution under section 20 the burden of proof,

(a) of membership in the College;

Subsection 3. Provides for the issue of a search warrant by a justice of the peace to authorize the search of premises where articles relating to the practice of dentistry are believed to be improperly located.

SECTION 4. Provides that in a prosecution the onus of proving the matters therein indicated shall be upon the person charged.

- (b) that a prescription was or instructions were given by a member of the College; and
- (c) that any design, impression or cast used in complying with such prescription or instructions was furnished by a member of the College,

shall be upon any person charged with a violation of this Act.

Short title. **5.** This Act may be cited as *The Dentistry Amendment Act, 1942.*

BILL

An Act to amend The Dentistry Act.

1st Reading

February 16th, 1942

2nd Reading

3rd Reading

MR. KIRBY

1942

No. 31

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Denistry Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 227
amended.

1. *The Dentistry Act* is amended by renumbering the present section 1 as 1*a*, and by adding thereto the following section:

Interpreta-
tion,—

1. In this Act,—

“College”;

(a) “College” shall mean The Royal College of Dental Surgeons of Ontario;

“dentistry”;
“dental
surgery”;

(b) “dentistry” or “dental surgery” shall mean any professional service usually performed by a dentist or dental surgeon and shall include,—

(i) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in or from any human tooth, jaw or associated structure or tissue or any injury thereto;

(ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause (i), or to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the human oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in

the treatment of any condition thereof;
and

- (iii) the taking or making, or the giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge, appliance or thing;

(c) "practice" shall mean the practice of dentistry "practice"; or dental surgery; and

(d) "profession" shall mean the profession of "profession". dentistry or dental surgery.

2. Subsection 1 of section 7 of *The Dentistry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 227, s. 7,
subs. 1,
re-enacted.

- (1) Every Board shall at its first meeting, elect a president and a vice-president and shall appoint a registrar, a treasurer and a secretary, and such other officers as the Board considers necessary and any two or more of such appointive offices may be held by one person.

President
and officers.

3.—(1) Subsection 1 of section 20 of *The Dentistry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 227, s. 20,
subs. 1,
re-enacted.

- (1) No person who is not a member of the College shall, by himself or by any other person,

Prohibition
against
practising
without
certificate.

- (a) practise or hold himself out as qualified or entitled to practise the profession of dentistry or any branch thereof;

- (b) provide or perform any service, act or operation which is part of the practice of dentistry or any branch thereof, or undertake or purport to provide or perform any such service, act or operation;

- (c) make, produce, reproduce, construct, furnish supply, alter or repair any prosthetic denture, bridge, appliance or thing to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition

in the oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or give any advice or assistance in connection therewith, except on the prescription or instructions of a member of the College and, where the use of a design, impression or cast is necessary, except by the use of a design, impression or cast furnished by a member of the College with such prescription or instructions;

(d) take or use any name, title, addition or description representing or implying that he holds a certificate of license to practise dentistry or that he is a member of the College; or

(e) represent that he is, or take or use any name, title, addition or description representing or implying that he is a graduate of any dental college or that he practises or is entitled or qualified to practise dentistry or any branch thereof, or which contains the words "dentist", "dentistry", "dental", "dental surgeon", or "dental surgery", or any similar word or words or any derivative thereof or any letters, signs or abbreviation having a similar significance.

Furnishing
written
prescription.

(1a) It shall be the duty of every member of the College to furnish to the dental technician or other person instructed by him to undertake or perform any work or service or give any advice or assistance in clause c of subsection 1 described, a written prescription therefor signed by such member, and where necessary, a design, impression or cast, at the time of giving such prescription or instructions.

What not to
be deemed
contraven-
tion of
section.

(1b) No work, service, advice or assistance, in clause c of subsection 1 described, which is undertaken, performed or given by any person pursuant to a prescription or instructions of a member of the College, and by the use of a design, impression or cast furnished by a member of the College with such prescription or instructions, where a design, impression or cast is necessary, shall be deemed to be a contravention of the provisions of this section.

Rev. Stat.,
c. 227, s. 20,
subs. 2,
amended.

(2) Subsection 2 of the said section 20 is amended by inserting at the commencement thereof the words "Except

with the written permission of the Board", by striking out the words "dental surgery or perform dental operations" in the fifth and sixth lines and inserting in lieu thereof the words "dentistry or any branch thereof", and by striking out the words "dental surgery and the performance of dental operations" in the eighth and ninth lines and inserting in lieu thereof the word "dentistry", so that the said subsection shall now read as follows:

- (2) Except with the written permission of the Board no person in pursuit of his business, trade or calling shall have in any place dental equipment of a character similar to that with which a place of business of a member of the College is equipped, and which equipment would enable the person generally to practise dentistry or any branch thereof, and the presence of such equipment in such place shall be *prima facie* evidence that the practice of dentistry is being carried on therein.

Dental equipment—restriction as to use of by unqualified person.

- (3) The said section 20 is further amended by adding thereto the following subsection:

Rev. Stat., c. 227, s. 20, amended.

- (7) Upon information on oath by any duly authorized agent of the College that he has reasonable cause to believe that there is in any building or premises, any dental equipment which is being, has been or is likely to be used contrary to the provisions of this Act, or that any prosthetic denture, bridge, appliance or thing is being, has been or is likely to be made, produced, reproduced, fitted, constructed, furnished, supplied, altered or repaired, contrary to the provisions of this Act, it shall be lawful for any justice of the peace, by warrant under his hand, to authorize and empower such agent or any other person named therein to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or any receptacle therein that might contain any such dental equipment, prosthetic denture, bridge, appliance or thing.

Power to enter and search premises.

4. Section 21 of *The Dentistry Act* is repealed and the following substituted therefor:

Rev. Stat., c. 227, s. 21, re-enacted.

21. In any prosecution under section 20 the burden of proof,

Onus of proof.

- (a) of membership in the College;

- (b) that a prescription was or instructions were given by a member of the College; and
- (c) that any design, impression or cast used in complying with such prescription or instructions was furnished by a member of the College,

shall be upon any person charged with a violation of this Act.

Short title. **5.** This Act may be cited as *The Dentistry Amendment Act, 1942*.

BILL

An Act to amend The Dentistry Act.

1st Reading

February 16th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. KIRBY

No. 32

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Medical Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 225, s. 30, subs. 1, amended. 1.—(1) Subsection 1 of section 30 of *The Medical Act* is amended by inserting after the word “respect” in the sixth line the words “or has been declared, certified or found to be mentally incompetent or mentally ill, pursuant to the relevant statutes in that behalf”, so that the said subsection shall now read as follows:

Erasing names from register.

- (1) Where any registered medical practitioner has either before or after he is registered been convicted either in His Majesty's Dominions or elsewhere of an offence, which, if committed in Canada, would be an indictable offence, or been guilty of an infamous or disgraceful conduct in a professional respect, or has been declared, certified or found to be mentally incompetent or mentally ill pursuant to the relevant statutes in that behalf, such practitioner shall be liable to have his name erased from the register.

Rev. Stat., c. 225, s. 30, subs. 2, amended. (2) Subsection 2 of the said section 30 is amended by inserting after the word “conduct” in the sixth line the words “or of such declaration, certificate or finding of mental incompetency or mental illness”, so that the said subsection shall now read as follows:

Action by Council.

- (2) The Council or the executive committee may, and upon the application of any four registered medical practitioners shall cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section, and on proof of such conviction or of such infamous or disgraceful conduct or of such declaration, certificate or finding of mental incompetency or mental illness, the Council shall cause the name of such person to be erased from the register; but the name of a person shall not be

EXPLANATORY NOTE

The Bill provides that a medical practitioner may be liable to have his name erased from the register in the event of his being declared, certified or found to be mentally incompetent or mentally ill.

Saving.

erased under this section on account of his adopting or refraining from adopting, the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of His Majesty's Dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery.

Short title.

2. This Act may be cited as *The Medical Amendment Act, 1942*.

BILL

An Act to amend The Medical Act

1st Reading

February 16th, 1942.

2nd Reading

3rd Reading

MR. KIRBY

No. 32

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Medical Act.

MR. KIRBY

TORONTO
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BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 225,
s. 30, subs. 1,
amended.

1.—(1) Subsection 1 of section 30 of *The Medical Act* is amended by inserting after the word "respect" in the sixth line the words "or has been declared, certified or found to be mentally incompetent or mentally ill, pursuant to the relevant statutes in that behalf", so that the said subsection shall now read as follows:

Erasing
names from
register.

- (1) Where any registered medical practitioner has either before or after he is registered been convicted either in His Majesty's Dominions or elsewhere of an offence, which, if committed in Canada, would be an indictable offence, or been guilty of an infamous or disgraceful conduct in a professional respect, or has been declared, certified or found to be mentally incompetent or mentally ill pursuant to the relevant statutes in that behalf, such practitioner shall be liable to have his name erased from the register.

Rev. Stat.,
c. 225, s. 30,
subs. 2,
amended.

(2) Subsection 2 of the said section 30 is amended by inserting after the word "conduct" in the sixth line the words "or of such declaration, certificate or finding of mental incompetency or mental illness", so that the said subsection shall now read as follows:

Action by
Council.

- (2) The Council or the executive committee may, and upon the application of any four registered medical practitioners shall cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section, and on proof of such conviction or of such infamous or disgraceful conduct or of such declaration, certificate or finding of mental incompetency or mental illness, the Council shall cause the name of such person to be erased from the register; but the name of a person shall not be

erased under this section on account of his adopting or refraining from adopting, the practice of any particular theory of medicine or surgery, nor on ^{Saving.} account of a conviction for a political offence out of His Majesty's Dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery.

2. This Act may be cited as *The Medical Amendment Act*, ^{Short title.} 1942.

An Act to amend The Medical Act

1st Reading

February 16th, 1942

2nd Reading

March 26th, 1942

3rd Reading

April 1st, 1942

Mr. KIRBY

No. 33

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The High Schools Act.

MR. ELLIOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 33

1942

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 360, s. 19,
amended.

1. Section 19 of *The High Schools Act* is amended by striking out the words "who shall not be a member of the separate school board and" in the third and fourth lines, so that the said section shall now read as follows:

Separate
school board
to appoint
a trustee.

19. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall hold office for one year.

Short title.

2. This Act may be cited as *The High Schools Amendment Act, 1942*.

EXPLANATORY NOTE

The amendment permits a separate school trustee to be appointed as a member of a board of high school trustees.

BILL

An Act to amend The High Schools Act.

1st Reading

February 17th, 1942

2nd Reading

3rd Reading

MR. ELLIOTT

No. 34

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Jurors Act.

MR. COOPER

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 45,
sub. 1,
amended.

1.--(1) Subsection 1 of section 45 of *The Jurors Act* is amended by striking out the word "eight" in the eighth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Postpone-
ment of
summons
to jurors.

- (1) The Crown attorney may direct the sheriff to summon the petit jury for any of the sittings of the Supreme Court, county court, or court of general sessions of the peace on any day after the day upon which the court is scheduled to open at such hour as he may determine where in the circumstances he deems it advisable to do so; provided that the Crown attorney shall give such direction to the sheriff in writing at least six days before the day upon which the court sittings is to be commenced.

Rev. Stat.,
c. 108, s. 45,
subs. 2,
amended.

(2) Subsection 2 of the said section 45 is amended by inserting after the word and figure "subsection 1" in the second line the words "and the jurors have already been summoned", so that the said subsection shall now read as follows:

Sheriff's
notice to
petit jurors.

- (2) Where the sheriff has received a direction from the Crown attorney under subsection 1 and the jurors have already been summoned he shall forthwith by registered letter (Form 2, Schedule D), notify each person summoned to serve as a jurymen to attend the court on the day and at the hour mentioned in such direction and that his attendance is not required on the day named in the summons, and in case any person, after receiving such notice, attends the court on a day prior to that mentioned in the notice he shall not be entitled to receive any fees or mileage for such attendance.

EXPLANATORY NOTES

SECTION 1—Subsection 1. Ordinarily jurors are summoned for the opening day of the Court sittings. The Crown attorney may alter this practice and have them summoned on a later day if he gives a direction to the sheriff at least eight days before the opening of the sittings. The amendment reduces the eight day period to six days.

Subsection 2. The amendment makes it amply clear that where the Crown attorney gives the direction (as mentioned in the explanatory note to subsection 1) to the sheriff before the summonses to jurors have been sent out, the summonses shall require attendance on the date indicated by the Crown attorney.

Rev. Stat.,
c. 108, s. 64,
subs. 1, re-
enacted.

2.—(1) Subsection 1 of section 64 of *The Jurors Act* is repealed and the following substituted therefor:

Jurors to be
summoned
ten or
fifteen days
before
attendance
required.

- (1) The sheriff shall summon every person drafted to serve on grand juries or petit juries not being special juries, by sending to him by registered mail a notice in writing (Form 3, Schedule D), under the hand of the sheriff, at least ten days in the case of a county and at least fifteen days in the case of a provisional judicial district before the day upon which such person is to attend, but when the sheriff is directed to draft and summon additional jurors under the provisions of this Act, such ten or fifteen days' service, as the case may be, shall not be necessary.

Rev. Stat.,
c. 108, s. 64,
subs. 9,
repealed.

- (2) Subsection 9 of the said section 64 is repealed.

Commence-
ment of Act.

- 3.** This Act shall come into force on the 1st day of July, 1942.

Short title.

- 4.** This Act may be cited as *The Jurors Amendment Act*, 1942.

SECTION 2—Subsection 1. All summonses to jurors will hereafter be served by registered mail and the time for serving such summonses is reduced. At present they must be served twenty days before the day upon which attendance is required throughout Ontario. The amendment reduces the period to not less than ten days in counties and not less than fifteen days in provisional judicial districts.

Subsection 2. Section 64 of *The Jurors Act* provides for the counter-manding of summonses to jurors where there is no business requiring their attendance but this provision, by subsection 9 of section 64, does not apply to "any county in which is situate a city having a population of 20,000 or over". The subsection is repealed so that the provisions for counter-manding summonses will apply throughout Ontario.

BILL

An Act to amend The Jurors Act.

1st Reading

March 26th, 1942

2nd Reading

3rd Reading

MR. COOPER

No. 34

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Jurors Act.

MR. COOPER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 108, s. 45,
sub. 1,
amended.

1.—(1) Subsection 1 of section 45 of *The Jurors Act* is amended by striking out the word "eight" in the eighth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Postpone-
ment of
summons
to jurors.

(1) The Crown attorney may direct the sheriff to summon the petit jury for any of the sittings of the Supreme Court, county court, or court of general sessions of the peace on any day after the day upon which the court is scheduled to open at such hour as he may determine where in the circumstances he deems it advisable to do so; provided that the Crown attorney shall give such direction to the sheriff in writing at least six days before the day upon which the court sittings is to be commenced.

Rev. Stat.,
c. 108, s. 45,
subs. 2,
amended.

(2) Subsection 2 of the said section 45 is amended by inserting after the word and figure "subsection 1" in the second line the words "and the jurors have already been summoned", so that the said subsection shall now read as follows:

Sheriff's
notice to
petit jurors.

(2) Where the sheriff has received a direction from the Crown attorney under subsection 1 and the jurors have already been summoned he shall forthwith by registered letter (Form 2, Schedule D), notify each person summoned to serve as a jurymen to attend the court on the day and at the hour mentioned in such direction and that his attendance is not required on the day named in the summons, and in case any person, after receiving such notice, attends the court on a day prior to that mentioned in the notice he shall not be entitled to receive any fees or mileage for such attendance.

2.—(1) Subsection 1 of section 64 of *The Jurors Act* is repealed and the following substituted therefor: Rev. Stat., c. 108, s. 64, subs. 1, re-enacted.

- (1) The sheriff shall summon every person drafted to serve on grand juries or petit juries not being special juries, by sending to him by registered mail a notice in writing (Form 3, Schedule D), under the hand of the sheriff, at least ten days in the case of a county and at least fifteen days in the case of a provisional judicial district before the day upon which such person is to attend, but when the sheriff is directed to draft and summon additional jurors under the provisions of this Act, such ten or fifteen days' service, as the case may be, shall not be necessary. Jurors to be summoned ten or fifteen days before attendance required.

- (2) Subsection 9 of the said section 64 is repealed. Rev. Stat., c. 108, s. 64, subs. 9, repealed.

3. This Act shall come into force on the 1st day of July, 1942. Commencement of Act.

4. This Act may be cited as *The Jurors Amendment Act*, 1942. Short title.

BILL

An Act to amend The Jurors Act.

1st Reading

March 26th, 1942

2nd Reading

March 30th, 1942

3rd Reading

April 14th, 1942

MR. COOPER

No. 35

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59, s. 1,
cl. f,
amended.

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act* is amended by adding at the end thereof the words "and in addition shall mean a school section in an unorganized township or in unsurveyed territory or an improvement district", so that the said clause shall now read as follows:

"municipality".

(f) "municipality" shall mean a county, city, town, village or township, and shall include the corporation thereof, and for the purposes of this Act shall include every local board thereof, and in addition shall mean a school section in an unorganized township or in unsurveyed territory or an improvement district.

Rev. Stat.,
c. 59, s. 2,
subs. 1,
amended.

2. Subsection 1 of section 2 of *The Department of Municipal Affairs Act* is amended by adding at the end thereof the words "and the Minister shall have power and authority to act for and on behalf of the Department", so that the said subsection shall now read as follows:

Establish-
ment of
Department.

(1) There shall be a Department of Municipal Affairs, over which the Minister shall preside, and the Minister shall have power and authority to act for and on behalf of the Department.

Rev. Stat.,
c. 59, s. 3,
re-enacted.

3. Section 3 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Administra-
tion of
municipal
statutes.
Rev. Stat.,
c. 60.

3.—(1) The Department shall administer all Acts in respect of municipal matters including *The Ontario Municipal Board Act*, and such other Acts as may be provided herein or as may from time to time be so designated by the Lieutenant-Governor in Council.

EXPLANATORY NOTES

SECTION 1. The definition of municipality is extended to include school sections and improvement districts in Northern Ontario.

SECTION 2. This amendment is advisable because the Act gives the Department certain powers and does not authorize any particular official to exercise the powers.

SECTION 3. The section as re-enacted gives the Department wider powers with respect to the administration of municipal affairs.

General and
special
powers of
Department.

- (2) The Department shall exercise general oversight over municipalities and the administration of their affairs and shall in respect of any municipality have control and charge over the exercise of any of its powers and over the performance of any of its duties and obligations and without limiting the generality of the foregoing the Department shall have and may exercise in respect of any municipality any of the powers of the Department conferred by this Act.

Rev. Stat.,
c. 59,
amended.

4. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Tax arrears
procedure
to continue
to apply.

- 64a. Where the Department has heretofore ceased or hereafter ceases to exercise jurisdiction and control over a municipality under this Part pursuant to an order made under section 64, all the provisions of this Part respecting land in arrears for taxes shall, notwithstanding such order, continue to apply to land in such municipality in respect of which a tax arrears certificate has been registered in the same manner as if such order had not been made, provided that no act shall be done pursuant to this section without the approval of the Department and for the purpose of calculating the period of time within which redemption may be made the period of time from the date of the order made under section 64 to the day upon which this Act comes into force shall not apply.

Proviso.

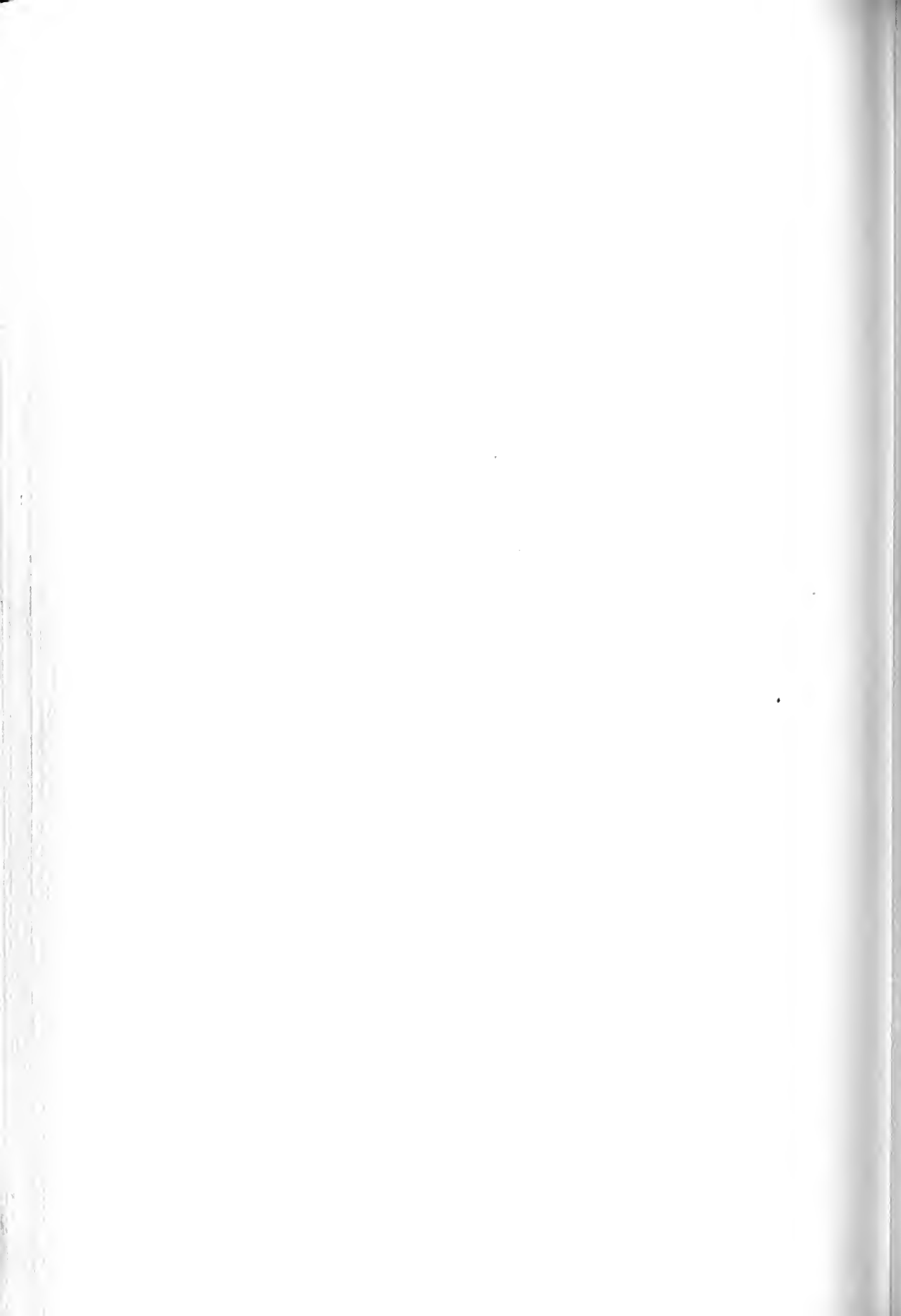
Power of
Board under
s. 32,
to continue
to apply.

- 64b. Where the Department has heretofore ceased or hereafter ceases to exercise jurisdiction and control over a municipality under this Part pursuant to an order made under section 64, the Board shall notwithstanding such order continue to have and may, subject to the approval of the Department, exercise any of the powers mentioned in section 32 in the same manner as if such order had not been made.

Short title.

5. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1942*.

SECTION 4. These two sections, which are new, apply where the affairs of a municipality no longer are required to be administered under Part III of the Act and an order to such effect is made by the Municipal Board. The new provisions allow certain matters which were commenced while the municipality was under supervision to be continued and completed after the period of supervision has ended.



BILL

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 27th, 1942

2nd Reading

3rd Reading

Mr. McQUESTEN

1942

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. MCQUESTEN

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59, s. 1,
cl. f,
amended.

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act* is amended by adding at the end thereof the words "and in addition shall mean a school section in an unorganized township or in unsurveyed territory or an improvement district", so that the said clause shall now read as follows:

"municipality".

(f) "municipality" shall mean a county, city, town, village or township, and shall include the corporation thereof, and for the purposes of this Act shall include every local board thereof, and in addition shall mean a school section in an unorganized township or in unsurveyed territory or an improvement district.

Rev. Stat.,
c. 59, s. 2,
subs. 1,
amended.

2. Subsection 1 of section 2 of *The Department of Municipal Affairs Act* is amended by adding at the end thereof the words "and the Minister shall have power and authority to act for and on behalf of the Department", so that the said subsection shall now read as follows:

Establish-
ment of
Department.

(1) There shall be a Department of Municipal Affairs, over which the Minister shall preside, and the Minister shall have power and authority to act for and on behalf of the Department.

Rev. Stat.,
c. 59,
amended.

3. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Tax arrears
procedure
to continue
to apply.

64a. Where the Department has heretofore ceased or hereafter ceases to exercise jurisdiction and control over a municipality under this Part pursuant to an order made under section 64, all the provisions of this Part respecting land in arrears for taxes shall,

notwithstanding such order, continue to apply to land in such municipality in respect of which a tax arrears certificate has been registered in the same manner as if such order had not been made, provided ^{Proviso.} that no act shall be done pursuant to this section without the approval of the Department and for the purpose of calculating the period of time within which redemption may be made the period of time from the date of the order made under section 64 to the day upon which this Act comes into force shall not apply.

- 64b. Where the Department has heretofore ceased or ^{Power of Board under s. 32,} hereafter ceases to exercise jurisdiction and control ^{to continue to apply.} over a municipality under this Part pursuant to an order made under section 64, the Board shall notwithstanding such order continue to have and may, subject to the approval of the Department, exercise any of the powers mentioned in section 32 in the same manner as if such order had not been made.

4. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1942.* ^{Short title.}

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 27th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. McQUESTEN

No. 36

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Workmen's Compensation Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 204, s. 35,
subs. 1,
cl. aa
(1938, c. 37,
s. 29, subs. 1)
re-enacted.

1. Clause aa of subsection 1 of section 35 of *The Workmen's Compensation Act* as enacted by subsection 1 of section 29 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Burial
expenses.

(aa) Where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed.

Rev. Stat.,
c. 204,
ss. 38, 39, 40
re-enacted;
s. 41 re-
pealed.

2. Sections 38, 39, 40 and 41 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

Compensa-
tion in case
of temporary
total
disability.

38. Where temporary total disability results from the injury, the compensation shall be a weekly payment of sixty-six and two-thirds per centum of the workman's average weekly earnings during the previous twelve months if he has been so long employed, but if not then for any less period during which he has been in the employ of his employer, and shall be payable so long as the disability lasts.

Temporary
partial
disability.

39. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of sixty-six and two-thirds per centum of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

EXPLANATORY NOTES

GENERAL. The purpose of this Bill is to amend *The Workmen's Compensation Act* to provide for an additional payment for burial expenses of a workman and to clarify the law and practice of The Workmen's Compensation Board with regard to permanent disabilities and certain industrial diseases.

SECTION 1. The provision which permits a sum not exceeding \$125 to be paid for necessary expenses for transportation of a body is extended so as to include transportation outside of Ontario and other additional expenses which, while not directly chargeable to transportation, are made necessary by reason of the transportation involved.

SECTION 2. The sections prescribing the method of calculating compensation payable are recast and their order is altered. The principal change is contained in section 40. The new wording removes any doubt as to the right of the Board to determine the compensation payable by estimating the extent of the disability suffered from the nature and degree of the physical injury rather than from the difference in wages before and after the accident. The long established practice of compiling a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations is specifically authorized by the proposed subsection 2.

Permanent disability.

40.—(1) Where permanent disability results from the injury, the impairment of earning capacity of the workman shall be estimated from the nature and degree of the injury and the compensation shall be a weekly or other periodical payment during the lifetime of the workman, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of sixty-six and two-thirds per centum of his average weekly earnings ascertained in the manner provided by section 38 and shall be payable notwithstanding clause *a* of subsection 1 of section 2.

Schedule of percentages of impairment of earning capacity.

(2) The Board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations, which may be used as a guide in determining the compensation payable in permanent disability cases.

Payment of lump sum.

(3) Where the impairment of the earning capacity of the workman does not exceed ten per centum of his earning capacity, instead of such weekly payment the Board shall, unless in the opinion of the Board it would not be to the advantage of the workman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the workman.

Compensation for permanent disability.

(4) Where the Board deems it more equitable, the Board may award compensation for permanent disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly payment of sixty-six and two-thirds per centum of such difference, and regard shall be had to the workman's fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

Rev. Stat.,
c. 204, s. 115,
subs. 1,
amended.

3.—(1) Subsection 1 of section 115 of *The Workmen's Compensation Act* is amended by striking out the words "at any time within twelve months previous to the date of his disablement" in the fifth and sixth lines, so that the said subsection shall now read as follows.

Certain industrial diseases to be deemed accidents.

(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is

SECTION 3 (1), (2). The provisions disentitling a workman to compensation under the Act unless the condition for which compensation is claimed is due to the nature of employment in which he was engaged at any time within twelve months of the day of his disablement, are abolished.

due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury by accident and the disablement were the happening of the accident, subject to the modifications hereinafter mentioned, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

Rev. Stat., c. 204, s. 115, subss. 2, 3, 5, 6, amended. (2) Subsections 2, 3, 5 and 6 of the said section 115 are amended by striking out the words "during such twelve months" wherever they occur in the said subsections.

Rev. Stat., c. 204, s. 115, subss. 9, re-enacted. (3) Subsection 9 of the said section 115 is repealed and the following substituted therefor:

Interpretation,—

(9) For the purposes of this Act,—

"silicosis";

(a) "silicosis" shall mean a fibrotic condition of the lungs sufficient to produce a lessened capacity for work, caused by the inhalation of silica dust, and

"tuberculosis".

(b) Where silicosis is complicated with tuberculosis, "tuberculosis" shall mean tuberculosis of the lungs when on examination of any person,—

(i) tubercle bacilli are found in the sputum of such person, or

(ii) such person has tuberculosis shown by clinical and physical findings to such a degree as to seriously impair his capacity for work.

Rev. Stat., c. 204, Sched. 3, amended.

4. Schedule 3 of *The Workmen's Compensation Act* is amended by striking out the word "cancer" in the first column, and the words "arising from the manufacture of pitch and tar" in the second column, and inserting in lieu thereof in the first and second columns respectively:

Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Ulceration of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

SECTION 3 (3). The definition of "silicosis" is recast with certain minor amendments. Its revision does not require any alteration in the established practice of the Board.

SECTION 4. The Schedule which prescribes cancer as one of the diseases for which compensation is payable is amended so as to specify the types of cancer which are compensable and the industrial work in which these types commonly occur.

Rulings
of Board
confirmed.

5.—(1) Every decision, order, ruling, determination and award of The Workmen's Compensation Board heretofore or hereafter given is hereby confirmed and declared to be legal, valid and binding, provided that this section shall not interfere with or impair any power, authority or discretion which the Board now has to reopen, reconsider or review any claim or matter already dealt with by it, or to rescind, alter or amend any decision, order, ruling, determination or award already made or given by it.

Pending
matters.

(2) Every claim or matter now pending before or awaiting determination by the Board, or reopened, reconsidered or reviewed by the Board after the date of the coming into force of this Act, shall be dealt with in accordance with the provisions of *The Workmen's Compensation Act* as amended by this Act.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1942*.

SECTION 5. This section confirms decisions at any time made by the Board, but reserves to the Board any right which it now has to review decisions already made. It also provides that matters now pending before the Board shall be dealt with in accordance with *The Workmen's Compensation Act* as amended by this Act.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 27th, 1942

2nd Reading

3rd Reading

MR. HEENAN

No. 36

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Workmen's Compensation Act.

MR. HEENAN

TORONTO
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BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 204, s. 35, subs. 1, cl. *aa* (1938, c. 37, s. 29, subs. 1) re-enacted. **1.** Clause *aa* of subsection 1 of section 35 of *The Workmen's Compensation Act* as enacted by subsection 1 of section 29 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Burial expenses.

(*aa*) Where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed.

Rev. Stat., c. 204, ss. 38, 39, 40 re-enacted; s. 41 repealed.

Compensation in case of temporary total disability.

Temporary partial disability.

2. Sections 38, 39, 40 and 41 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

38. Where temporary total disability results from the injury, the compensation shall be a weekly payment of sixty-six and two-thirds per centum of the workman's average weekly earnings during the previous twelve months if he has been so long employed, but if not then for any less period during which he has been in the employ of his employer, and shall be payable so long as the disability lasts.

39. Where temporary partial disability results from the injury, the compensation shall be a weekly payment of sixty-six and two-thirds per centum of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

40.—(1) Where permanent disability results from the injury, the impairment of earning capacity of the workman shall be estimated from the nature and degree of the injury and the compensation shall be a weekly or other periodical payment during the lifetime of the workman, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of sixty-six and two-thirds per centum of his average weekly earnings ascertained in the manner provided by section 38 and shall be payable notwithstanding clause *a* of subsection 1 of section 2.

Permanent disability.

(2) The Board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations, which may be used as a guide in determining the compensation payable in permanent disability cases.

Schedule of percentages of impairment of earning capacity.

(3) Where the impairment of the earning capacity of the workman does not exceed ten per centum of his earning capacity, instead of such weekly or other periodical payment the Board shall, unless in the opinion of the Board it would not be to the advantage of the workman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the workman.

Payment of lump sum.

(4) Where the Board deems it more equitable, the Board may award compensation for permanent disability having regard to the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable occupation after the accident, and the compensation may be a weekly or other periodical payment of sixty-six and two-thirds per centum of such difference, and regard shall be had to the workman's fitness to continue in the employment in which he was injured or to adapt himself to some other suitable occupation.

Compensation for permanent disability.

3.—(1) Subsection 1 of section 115 of *The Workmen's Compensation Act* is amended by striking out the words "at any time within twelve months previous to the date of his disablement" in the fifth and sixth lines, so that the said subsection shall now read as follows.

Rev. Stat., c. 204, s. 115, subs. 1, amended.

(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is

Certain industrial diseases to be deemed accidents.

due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury by accident and the disablement were the happening of the accident, subject to the modifications hereinafter mentioned, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

Rev. Stat., c. 204, s. 115, subss. 2, 3, 5, 6, amended. (2) Subsections 2, 3, 5 and 6 of the said section 115 are amended by striking out the words "during such twelve months" wherever they occur in the said subsections.

Rev. Stat., c. 204, s. 115, subs. 9, re-enacted. (3) Subsection 9 of the said section 115 is repealed and the following substituted therefor:

Interpretation,— (9) For the purposes of this Act,—

"silicosis";

(a) "silicosis" shall mean a fibrotic condition of the lungs sufficient to produce a lessened capacity for work, caused by the inhalation of silica dust, and

"tuberculosis".

(b) Where silicosis is complicated with tuberculosis, "tuberculosis" shall mean tuberculosis of the lungs when on examination of any person,—

(i) tubercle bacilli are found in the sputum of such person, or

(ii) such person has tuberculosis shown by clinical and physical findings to such a degree as to seriously impair his capacity for work.

Rev. Stat., c. 204, Sched. 3, amended.

4. Schedule 3 of *The Workmen's Compensation Act* is amended by striking out the word "cancer" in the first column, and the words "arising from the manufacture of pitch and tar" in the second column, and inserting in lieu thereof in the first and second columns respectively:

Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Ulceration of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances.

5.—(1) Every decision, order, ruling, determination and award of The Workmen's Compensation Board heretofore made or given is hereby confirmed and declared to be legal, valid and binding, provided that this section shall not interfere with or impair any power, authority or discretion which the Board now has to reopen, reconsider or review any claim or matter already dealt with by it, or to rescind, alter or amend any decision, order, ruling, determination or award already made or given by it. ^{Rulings of Board confirmed.}

(2) Every claim or matter now pending before or awaiting determination by the Board, or reopened, reconsidered or reviewed by the Board after the date of the coming into force of this Act, shall be dealt with in accordance with the provisions of *The Workmen's Compensation Act* as amended by this Act. ^{Pending matters.}

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1942*. ^{Short title.}

BILL

An Act to amend The Workmen's Compensation Act.

1st Reading

March 27th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. HEENAN

No. 37

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 194, s. 49,
subs. 11,
amended.

1. Subsection 11 of section 49 of *The Factory, Shop and Office Building Act* is amended by striking out the word "employment" in the eighth line and inserting in lieu thereof the word "possession", so that the said subsection shall now read as follows:

Impounding
articles for
protection
of public
health.

(11) The inspector may at any time seize and impound any personal or household article in the possession of any employer or homemaker, or in the possession of any other person in his trade or business if such article in the opinion of the inspector may affect or be injurious to the public health by reason of some unsanitary condition or communicable disease having existed in the home or other premises of a homemaker while the article was in his possession, and every article so impounded shall forthwith be delivered by the inspector to the local medical officer of health or sanitary inspector for disinfection or destruction.

Rev. Stat.,
c. 194, s. 52,
re-enacted.

2. Section 52 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Protection
from
machinery.

52.—(1) Where the inspector deems that any machinery, appliance, matter or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer or owner directing him within a period of thirty days or such period as the inspector may deem necessary, to take such measures for guarding such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the inspector may deem requisite and

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The present subsection is recast with a view to rendering its provisions more effective by setting a time limit for complying with the orders of an inspector appointed under *The Factory, Shop and Office Building Act* and providing that if the orders are not complied with the use of the dangerous machinery, appliance, matter or thing shall be discontinued.

upon the failure to comply with the inspector's direction within such period, the use of the machinery, appliance, matter or thing shall be discontinued until the inspector's direction has been complied with.

Failure to
comply with
inspector's
direction.

- (2) Any factory in which the employer or owner fails to comply with the inspector's direction within the period specified and in which the employer or owner permits any machinery, appliance, matter or thing to be used in contravention of subsection 1, shall be deemed to be kept so that the safety of the persons employed therein is endangered.

Rev. Stat.,
c. 194, s. 57,
re-enacted.

3. Section 57 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

57.—(1) In every factory, shop, bakeshop, restaurant and office building,—

(a) every elevator shall be equipped with devices approved by the inspector,

(i) which will stop and hold the elevator car in case the elevator or any machinery or appliance connected therewith fails to function;

(ii) which will prevent the elevator car from overrunning its safe limits of travel; and

(iii) for signalling the elevator operator from each floor or landing;

(b) the openings of the hoistway, hatchway and wellhole used for every elevator shall, at each floor or landing, including the basement, be protected by doors or gates approved by the inspector, which shall extend to the floor or landing, and which in the case of hand power elevators shall be not less than three feet in height, and in the case of all other elevators shall be not less than five feet, six inches in height, or by self-closing hatches or trap-doors approved by the inspector;

(c) every gate or door opening on to an elevator hoistway shall be connected to the machinery operating the elevator by an interlocking device which shall prevent the elevator car from moving

SECTION 3. The present section is recast with a view to bringing it into line with present day conditions and generally tightening the safety requirements with respect to elevators and their operation.

until such gate or door is closed, and which shall prevent such gate or door from being opened unless the elevator car is in the proper position in relation to such gate or door to permit the safe movement of passengers or freight from the landing or floor to the platform of the elevator car;

(d) a sign bearing the word "Danger" in letters not less than four inches in height shall be affixed to or stencilled on,

(i) the bottom rail of every gate opening into an elevator shaft, which is opened by being raised, and

(ii) in a conspicuous position on every other door or gate opening into an elevator shaft where the inspector so requires;

(e) the sides of elevator hoistways on all floors or landings, including the basement, not guarded by doors or gates, shall be fully enclosed in a manner approved by the inspector;

(f) where an elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;

(g) every operating rope shall be provided with a lock approved by the inspector to secure it;

(h) projections which extend inwards from the hoistway, and which are opposite the entrance to the elevator car, shall be bevelled on the underside, or shall be guarded by smooth metal or wooden plates and the angle of the bevels or plates shall not be less than sixty, nor more than seventy-five degrees from the horizontal, and shall be finished in a manner approved by the inspector; and

(i) the top of every elevator car shall be provided with a guard approved by the inspector.

Certain
kinds of
hoists not
to be used.

(2) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top of its safe limit of travel, an elevator or hoist constructed upon the principle of

an endless belt or any similar contrivance shall not be used for carrying passengers, goods or freight, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with handrails at the sides and is not otherwise enclosed and the inspector has certified that it is so constructed that it may be operated without danger to persons using it.

Speed.

- (3) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of seventy-five feet per minute.

Rights of
municipal
councils
preserved.
Rev. Stat.,
c. 266.

- (4) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators.

Where
inspector
deems
elevator
dangerous.

- (5) Where the inspector deems that any elevator or hoist or any part thereof is a source of danger to the safety of persons using it, he shall give notice thereof in writing to the owner or employer, directing that the elevator or hoist or any part thereof be rendered in a safe working condition within a period of thirty days, or such period as the inspector deems necessary, and upon failure to comply with the inspector's orders within the specified time, the use of the elevator or hoist shall be discontinued forthwith until the inspector's orders have been complied with.

Penalty.

- (6) Every owner or employer who fails to comply with any of the provisions of this section or the regulations shall be liable to a penalty of not less than \$50 nor more than \$500, and in default of payment shall be liable to imprisonment for a period not exceeding twelve months.

Regulations
re elevators.

- (7) The Lieutenant-Governor in Council may make regulations with respect to the use, construction, maintenance, operation and inspection, including the collection of fees for inspection, of elevators or hoists.

Age of
operator.

- (8) Every elevator shall be operated by and under the control of a competent elevator operator, who shall not be under the age of eighteen years.

Application
of section.

- (9) This section shall apply to every factory, shop, bakeshop, restaurant and office building.

Rev. Stat.,
c. 194, s. 70,
subs. 1,
amended.

4. Subsection 1 of section 70 of *The Factory, Shop and Office Building Act* is amended by striking out the symbol and figures "\$20" in the sixth line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$200" in the seventh line and inserting in lieu thereof the symbol and figures "\$500", so that the said subsection shall now read as follows:

Premises
dangerous
to health
or safety.

- (1) No person shall keep a factory, shop, bakeshop, restaurant or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop, bakeshop, restaurant or office building shall incur a penalty of not less than \$50 nor more than \$500 or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months.

Penalty.

Short title.

5. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1942*.

SECTION 4. Penalties are increased as indicated.

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 27th, 1942

2nd Reading

3rd Reading

MR. HEENAN

No. 37

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. HEENAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 194, s. 49,
subs. 11,
amended.

1. Subsection 11 of section 49 of *The Factory, Shop and Office Building Act* is amended by striking out the word "employment" in the eighth line and inserting in lieu thereof the word "possession", so that the said subsection shall now read as follows:

Impounding
articles for
protection
of public
health.

(11) The inspector may at any time seize and impound any personal or household article in the possession of any employer or homemaker, or in the possession of any other person in his trade or business if such article in the opinion of the inspector may affect or be injurious to the public health by reason of some unsanitary condition or communicable disease having existed in the home or other premises of a homemaker while the article was in his possession, and every article so impounded shall forthwith be delivered by the inspector to the local medical officer of health or sanitary inspector for disinfection or destruction.

Rev. Stat.,
c. 194, s. 52,
re-enacted.

2. Section 52 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Protection
from
machinery.

52.—(1) Where the inspector deems that any machinery, appliance, matter or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer or owner directing him within a period of thirty days or such period as the inspector may deem necessary, to take such measures for guarding such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the inspector may deem requisite and

upon the failure to comply with the inspector's direction within such period, the use of the machinery, appliance, matter or thing shall be discontinued until the inspector's direction has been complied with.

- (2) Any factory in which the employer or owner fails to comply with the inspector's direction within the period specified and in which the employer or owner permits any machinery, appliance, matter or thing to be used in contravention of subsection 1, shall be deemed to be kept so that the safety of the persons employed therein is endangered.

Failure to
comply with
inspector's
direction.

3. Section 57 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 194, s. 57,
re-enacted.

57.—(1) In every factory, shop, bakeshop, restaurant and office building,—

Safety re-
quirements,
elevators, etc.

(a) every elevator shall be equipped with devices approved by the inspector,

(i) which will stop and hold the elevator car in case the elevator or any machinery or appliance connected therewith fails to function;

(ii) which will prevent the elevator car from overrunning its safe limits of travel; and

(iii) for signalling the elevator operator from each floor or landing;

(b) the openings of the hoistway, hatchway and wellhole used for every elevator shall, at each floor or landing, including the basement, be protected by doors or gates approved by the inspector, which shall extend to the floor or landing, and which in the case of hand power elevators shall be not less than three feet in height, and in the case of all other elevators shall be not less than five feet, six inches in height, or by self-closing hatches or trap-doors approved by the inspector;

(c) every gate or door opening on to an elevator hoistway shall be connected to the machinery operating the elevator by an interlocking device which shall prevent the elevator car from mov-

ing until such gate or door is closed, and which shall prevent such gate or door from being opened unless the elevator car is in the proper position in relation to such gate or door to permit the safe movement of passengers or freight from the landing or floor to the platform of the elevator car;

(d) a sign bearing the word "Danger" in letters not less than four inches in height shall be affixed to or stencilled on,

(i) the bottom rail of every gate opening into an elevator shaft, which is opened by being raised, and

(ii) in a conspicuous position on every other door or gate opening into an elevator shaft where the inspector so requires;

(e) the sides of elevator hoistways on all floors or landings, including the basement, not guarded by doors or gates, shall be fully enclosed in a manner approved by the inspector;

(f) where an elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;

(g) every operating rope shall be provided with a lock approved by the inspector to secure it;

(h) projections which extend inwards from the hoistway, and which are opposite the entrance to the elevator car, shall be bevelled on the underside, or shall be guarded by smooth metal or wooden plates and the angle of the bevels or plates shall not be less than sixty, nor more than seventy-five degrees from the horizontal, and shall be finished in a manner approved by the inspector; and

(i) the top of every elevator car shall be provided with a guard approved by the inspector.

Certain
kinds of
hoists not
to be used.

(2) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top of its safe limit of travel, an elevator or hoist constructed upon the principle of

an endless belt or any similar contrivance shall not be used for carrying passengers, goods or freight, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with handrails at the sides and is not otherwise enclosed and the inspector has certified that it is so constructed that it may be operated without danger to persons using it.

- (3) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of seventy-five feet per minute. ^{Speed.}
- (4) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators. ^{Rights of municipal councils preserved. Rev. Stat., c. 266.}
- (5) Where the inspector deems that any elevator or hoist or any part thereof is a source of danger to the safety of persons using it, he shall give notice thereof in writing to the owner or employer, directing that the elevator or hoist or any part thereof be rendered in a safe working condition within a period of thirty days, or such period as the inspector deems necessary, and upon failure to comply with the inspector's orders within the specified time, the use of the elevator or hoist shall be discontinued forthwith until the inspector's orders have been complied with. ^{Where inspector deems elevator dangerous.}
- (6) Every owner or employer who fails to comply with any of the provisions of this section or the regulations shall be liable to a penalty of not less than \$50 nor more than \$500, and in default of payment shall be liable to imprisonment for a period not exceeding twelve months. ^{Penalty.}
- (7) The Lieutenant-Governor in Council may make regulations with respect to the use, construction, maintenance, operation and inspection, including the collection of fees for inspection, of elevators or hoists. ^{Regulations re elevators.}
- (8) Every elevator shall be operated by and under the control of a competent elevator operator, who shall not be under the age of eighteen years. ^{Age of operator.}
- (9) This section shall apply to every factory, shop, bakeshop, restaurant and office building. ^{Application of section.}

Rev. Stat.,
c. 194, s. 70,
subs. 1,
amended.

4. Subsection 1 of section 70 of *The Factory, Shop and Office Building Act* is amended by striking out the symbol and figures "\$20" in the sixth line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$200" in the seventh line and inserting in lieu thereof the symbol and figures "\$500", so that the said subsection shall now read as follows:

Premises
dangerous
to health
or safety.

- (1) No person shall keep a factory, shop, bakeshop, restaurant or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop, bakeshop, restaurant or office building shall incur a penalty of not less than \$50 nor more than \$500 or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months.

Penalty.

Rev. Stat.,
c. 194, s. 82,
subs. 3,
amended.

5. Subsection 3 of section 82 of *The Factory, Shop and Office Building Act* as amended by subsection 2 of section 10 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the word "seven" in the fifth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

By-law
determining
hours of
closing.

- (3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

Short title

6. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1942*.

BILL

An Act to amend The Factory, Shop and Office Building Act.

1st Reading

March 27th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. HEENAN

No. 38

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

MR. OLIVER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 211,
amended.

1. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

Order to
report to
officer.

2a.—(1) Where an order for payment of maintenance or support is made under this Act and any person for whose benefit the order is made is a public charge or the judge or magistrate making the order is of opinion that if there is default therein any person is likely to be a public charge he shall order the person required to make the payments to report to an officer for such period and at such times and places as he may deem necessary and to satisfy such officer that he is complying with the order for payment.

Designa-
tion of
officer.

(2) Where a judge or magistrate orders any person to report to an officer under this section he shall designate the officer and may by further order alter such designation.

"Officer"
defined.

(3) In this Act "officer" shall mean a probation officer appointed under the provisions of *The Probation Act*, a local superintendent as defined in *The Children's Protection Act* and any other official of the Department of Public Welfare or of any municipality, designated by the Minister.

Rev. Stat.,
cc. 399;
312.

Failure
to report
to officer.

(4) Any person who without reasonable excuse fails to report to an officer, as required by this section, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months.

EXPLANATORY NOTE

The purpose of this Bill is to permit a judge or magistrate who makes an order for maintenance under *The Deserted Wives' and Children's Maintenance Act* to require the person against whom the order is made to report regularly to a probation officer and to satisfy the probation officer that he is keeping up the payments as required by the order. This provision, however, applies only where the person for whose benefit the order is made is a public charge or is likely to become a public charge if the order is not complied with.

Certificate
of judge or
magistrate.

- (5) An order made under this Act certified by the judge or magistrate making it, or a certificate of a judge or magistrate as to the making of an order by him, shall be receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying.

Rev. Stat.,
c. 211, s. 8,
subs. 1,
amended.

2. Subsection 1 of section 8 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the word and figure "subsection 2" in the sixth and seventh lines and inserting in lieu thereof the words and figures "subsection 2 of this section and subsection 4 of section 2a", so that the said subsection shall now read as follows:

Applica-
tion of
Rev. Stat.,
c. 136.

- (1) Save where otherwise provided proceedings under the provisions of this Act shall be in accordance with the provisions of *The Summary Convictions Act*, and any order for the payment of money made hereunder may be enforced as if it were an order or conviction made under the said Act but imprisonment shall only be ordered under subsection 2 of this section and subsection 4 of section 2a.

Short title.

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1942*.

BILL

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act.

1st Reading

March 27th, 1942

2nd Reading

3rd Reading

MR. OLIVER

No. 38

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

MR. OLIVER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 211,
amended.

1. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

Order to
report to
officer.

2a.—(1) Where an order for payment of maintenance or support is made under this Act and any person for whose benefit the order is made is a public charge or the judge or magistrate making the order is of opinion that if there is default therein any person is likely to be a public charge he shall order the person required to make the payments to report to an officer for such period and at such times and places as he may deem necessary and to satisfy such officer that he is complying with the order for payment.

Designa-
tion of
officer.

(2) Where a judge or magistrate orders any person to report to an officer under this section he shall designate the officer and may by further order alter such designation.

"Officer"
defined.

(3) In this Act "officer" shall mean a probation officer appointed under the provisions of *The Probation Act*, a local superintendent as defined in *The Children's Protection Act* and any other official of the Department of Public Welfare or of any municipality, designated by the Minister.

Rev. Stat.,
cc. 399;
312.

Failure
to report
to officer.

(4) Any person who without reasonable excuse fails to report to an officer, as required by this section, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months.

- (5) An order made under this Act certified by the judge or magistrate making it, or a certificate of a judge or magistrate as to the making of an order by him, shall be receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying.

2. Subsection 1 of section 8 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the word and figure "subsection 2" in the sixth and seventh lines and inserting in lieu thereof the words and figures "subsection 2 of this section and subsection 4 of section 2a", so that the said subsection shall now read as follows:

- (1) Save where otherwise provided proceedings under the provisions of this Act shall be in accordance with the provisions of *The Summary Convictions Act*, and any order for the payment of money made hereunder may be enforced as if it were an order or conviction made under the said Act but imprisonment shall only be ordered under subsection 2 of this section and subsection 4 of section 2a.

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1942*.

BILL

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act.

1st Reading

March 27th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. OLIVER

No. 39

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Department of Public Welfare Act.

MR. OLIVER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 39

1942

BILL

An Act to amend The Department of Public Welfare Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 61, s. 4,
amended.

1. Section 4 of *The Department of Public Welfare Act* is amended by adding thereto the following clauses:

Powers of
Depart-
ment.

- (f) establish and assist in establishing day nurseries for the care and feeding of young children; and
- (g) make regulations governing, regulating and controlling the establishment and operation of day nurseries for the care and feeding of young children and providing for the licensing thereof.

Short title.

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1942*.

EXPLANATORY NOTE

The Bill authorizes the Department of Public Welfare to establish and assist in the establishing of day nurseries for young children and also permits the making of regulations by the Department for the regulation and control of the establishment and operation of day nurseries.

BILL

An Act to amend The Department of
Public Welfare Act.

1st Reading

March 27th, 1942

2nd Reading

3rd Reading

MR. OLIVER

No. 39

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Department of Public Welfare Act.

MR. OLIVER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 39

1942

BILL

An Act to amend The Department of Public Welfare Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 61, s. 4,
amended.

1. Section 4 of *The Department of Public Welfare Act* is amended by adding thereto the following clauses:

Powers of
Depart-
ment.

(f) establish and assist in establishing day nurseries for the care and feeding of young children; and

(g) make regulations governing, regulating and controlling the establishment and operation of day nurseries for the care and feeding of young children and providing for the licensing thereof.

Short title.

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1942*.

BILL

An Act to amend The Department of
Public Welfare Act.

1st Reading

March 27th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. OLIVER

1942

No. 40

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Highway Improvement Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 79a,
subss. 5, 6
(1939, c. 19,
s. 7) re-
enacted.

1.—(1) Subsections 5 and 6 of section 79a of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Amendment Act, 1939*, are repealed and the following substituted therefor:

Notice of
applica-
tion for
approval
of closing
road.

- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Department within such time as the Board shall direct.

Claim,—
when not
to be
allowed.

- (5a) Notwithstanding the provisions of subsection 2 of section 79, no claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board.

Order of
Board.

- (6) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions,—

(a) determining the portion or portions of such road which shall be closed;

(b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,—

EXPLANATORY NOTE

The purpose of the Bill is to clarify and facilitate the procedure before the Ontario Municipal Board upon applications by the Department of Highways to close a portion of a road. It also provides that where the Department, after making an application to close a portion of a road, decides not to proceed with the closing of such road, the Board may order payment of the costs by the Department to the persons affected.

- (i) by the payment by the Department to any of such persons of such damages as may be fixed by the Board,
 - (ii) by the providing of another road for the use of any of such persons,
 - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding the provisions of any other Act, and
 - (iv) in such other manner as the Board may deem proper;
- (c) providing for the payment of costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.

Rev. Stat.,
c. 56, s. 79a,
amended.

(2) The said section 79a is further amended by adding thereto the following subsection:

Closing
road.

(7a) Where, at any time after making application for the approval of the Board of the closing of a road, the Department discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Highway Improvement Amendment Act, 1942*.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 30th, 1942

2nd Reading

3rd Reading

MR. MCQUESTEN

No. 40

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Highway Improvement Act.

..

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 79a,
subss. 5, 6
(1939, c. 19,
s. 7) re-
enacted.

1.—(1) Subsections 5 and 6 of section 79a of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Amendment Act, 1939*, are repealed and the following substituted therefor:

Notice of
applica-
tion for
approval
of closing
road.

- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Department within such time as the Board shall direct.

Claim,—
when not
to be
allowed.

- (5a) Notwithstanding the provisions of subsection 2 of section 79, no claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Board shall be allowed except by leave of the Board.

Order of
Board.

- (6) Upon the hearing of the application for approval of the closing of a road, the Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Board approving of the closing of a road may contain provisions,—

- (a) determining the portion or portions of such road which shall be closed;
- (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,—

- (i) by the payment by the Department to any of such persons of such damages as may be fixed by the Board,
 - (ii) by the providing of another road for the use of any of such persons,
 - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding the provisions of any other Act, and
 - (iv) in such other manner as the Board may deem proper;
- (c) providing for the payment of costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.

(2) The said section 79a is further amended by adding thereto the following subsection: Rev. Stat., c. 56, s. 79a, amended.

- (7a) Where, at any time after making application for the approval of the Board of the closing of a road, the Department discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs. Closing road.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Highway Improvement Amendment Act, 1942.* Short title.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 30th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. McQUESTEN

No. 41

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Bees Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 41

1942

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 348, s. 19,
amended. **1.** Section 19 of *The Bees Act* is amended by adding thereto the following clause:

(dd) regulating and controlling the buying, selling, transporting and shipping of beeswax refuse and used honey combs.

Rev. Stat.,
c. 348,
amended. **2.** *The Bees Act* is amended by adding thereto the following section:

Fees confirmed. **23.** All fees for registration of bee-keepers paid to the Treasurer of Ontario prior to the 30th day of April, 1942, and purporting to have been paid under the provisions of this Act, are validated and confirmed.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Bees Amendment Act, 1942*.

EXPLANATORY NOTES

SECTION 1. Adds a clause to the Act authorizing regulations to be made for the purpose of regulating and controlling the buying, selling, transporting and shipping of beeswax refuse and used honeycombs.

SECTION 2. Validates and confirms the fees heretofore paid by beekeepers upon registration.

BILL

An Act to amend The Bees Act.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. DEWAN

1942

No. 41

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Bees Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 41

1942

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 348, s. 19,
amended.

1. Section 19 of *The Bees Act* is amended by adding thereto the following clause:

(dd) regulating and controlling the buying, selling, transporting and shipping of beeswax refuse and used honey combs.

Rev. Stat.,
c. 348,
amended.

2. *The Bees Act* is amended by adding thereto the following section:

Fees confirmed.

23. All fees for registration of bee-keepers paid to the Treasurer of Ontario prior to the 30th day of April, 1942, and purporting to have been paid under the provisions of this Act, are validated and confirmed.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Bees Amendment Act, 1942*.

BILL

An Act to amend The Bees Act.

1st Reading

March 31st, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. DEWAN

No. 42

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 353, s. 49,
subs. 9
(1938, c. 13,
s. 11,
subs. 1)
amended.

1.—(1) Subsection 9 of section 49 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 11 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out all the words after the word “that” in the fifth line and inserting in lieu thereof the words “any non-resident angler fishing under a license may, upon leaving the Province, take with him the lawful catch of one day’s fishing from any waters and in the case of commercial fish taken from the Great Lakes and the connecting waters, the lawful catch of two days’ fishing, and every catch shall be accompanied by the shipping coupon furnished with and detached from such license”, so that the said subsection shall now read as follows:

Prohibition
against
exporting
certain fish.

(9) It shall be unlawful for any person to export from Ontario any maskinonge, large-mouthed or small-mouthed black bass, speckled trout, brown trout, rainbow trout, or Aurora trout no matter where procured, provided that any non-resident angler fishing under a license may, upon leaving the Province, take with him the lawful catch of one day’s fishing from any waters and in the case of commercial fish taken from the Great Lakes and the connecting waters, the lawful catch of two days’ fishing, and every catch shall be accompanied by the shipping coupon furnished with and detached from such license.

Rev. Stat.,
c. 353, s. 49,
amended.

(2) The said section 49 is amended by adding thereto the following subsection:

Interpre-
tation,—

(9a) In this section,—

“commercial
fish”.

(a) “commercial fish” shall mean all fish other than game fish; and

EXPLANATORY NOTES

SECTION 1. This amendment gives a non-resident angler the right to take with him upon leaving the Province, the lawful catch of two days' fishing of commercial fish taken from the Great Lakes and the connecting waters.

The proposed subsection 9*a* defines commercial fish.

"game fish".

(b) "game fish" shall mean small-mouthed black bass, large-mouthed black bass, maskinonge, Atlantic salmon, landlocked or Sebago salmon, ouananiche, speckled trout, brown trout or Loch Leven trout, rainbow trout or steel-head trout, rainbow trout or shasta trout and Aurora trout.

Rev. Stat.,
c. 353, s. 65,
subs. 1,
amended.

2.—(1) Subsection 1 of section 65 of *The Game and Fisheries Act* is amended by striking out all the words after the word "owner" in the fourth line, including clause *a*, so that the said subsection shall now read as follows.

Prohibition
as to enter-
ing standing
grain.

(1) It shall be unlawful for any person, at any time, to enter with any sporting implement or fishing rod or tackle in his possession, or permit his dogs to enter into any growing or standing grain, without the permission of the owner.

Rev. Stat.,
c. 353, s. 65,
amended.

(2) The said section 65 is amended by adding thereto the following subsections:

Prohibition
as to enter-
ing land
after notice
from owner.

(1a) It shall be unlawful for any person at any time to hunt, shoot or fish, or with any sporting implement, fishing rod or tackle in his possession, to go upon any enclosed or unenclosed land or water after having had notice not to hunt, shoot or fish thereon by the owner, provided that this subsection shall not apply to any person travelling on any water when such sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit.

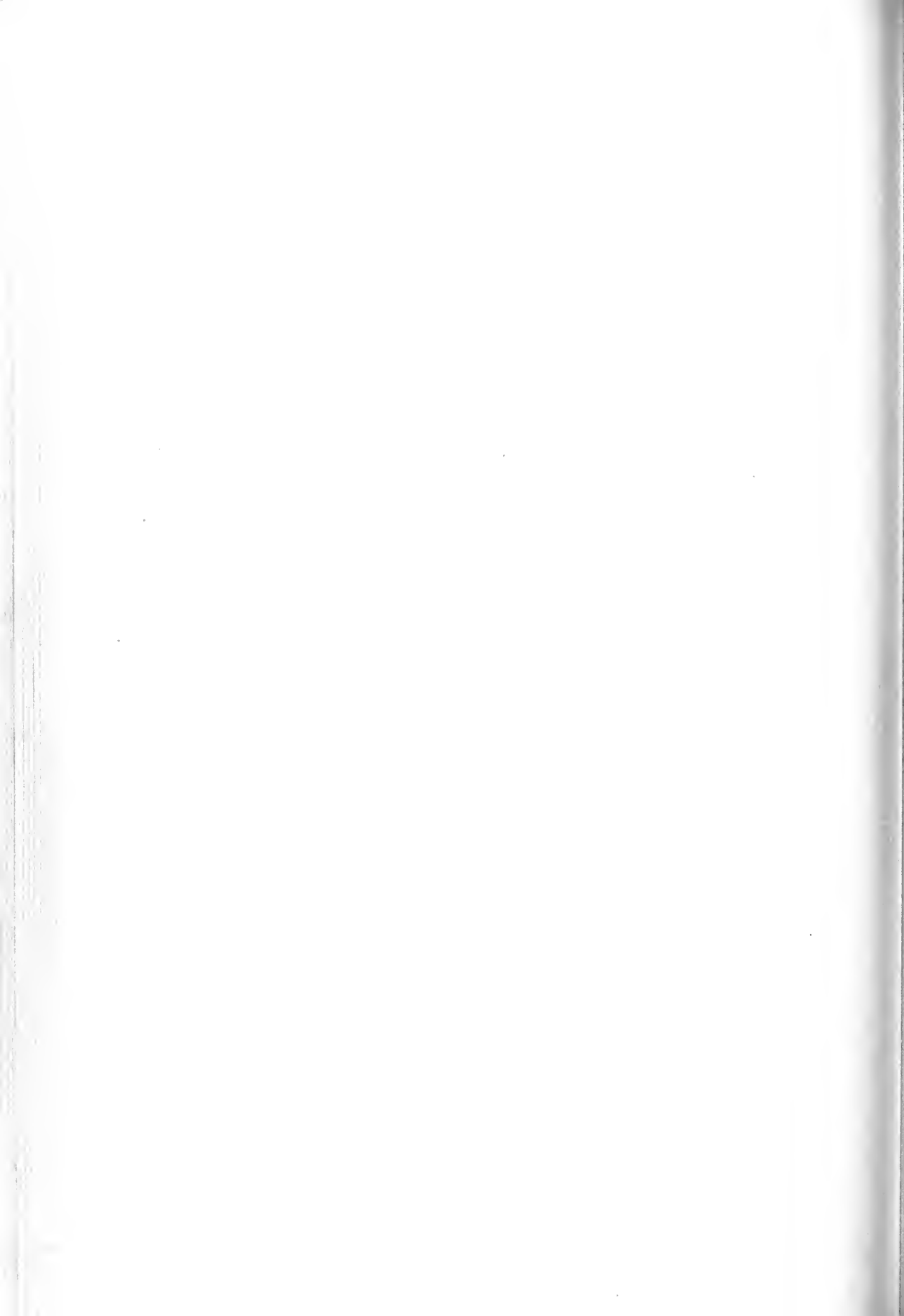
"Owner",
defined.

(1b) In this section "owner" shall include any person who is the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license.

Short title.

3. This Act may be cited as *The Game and Fisheries Amendment Act, 1942*.

SECTION 2. This amendment exempts any person from the penalty provided by the Act for crossing private waters with any sporting implement, fishing rod or tackle when such sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit. Such a person may still be liable to an action for trespass at common law.



BILL

An Act to amend The Game and Fisheries Act.

1st Reading

March 31st, 1942

2nd Reading

3rd Reading

MR. NIXON (Brant)

No. 42

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 353, s. 49,
subs. 9
(1938, c. 13,
s. 11,
subs. 1)
amended.

1.—(1) Subsection 9 of section 49 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 11 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out all the words after the word “that” in the fifth line and inserting in lieu thereof the words “any non-resident angler fishing under a license may, upon leaving the Province, take with him the lawful catch of one day’s fishing from any waters and in the case of commercial fish taken from the Great Lakes and the connecting waters, the lawful catch of two days’ fishing, and every catch shall be accompanied by the shipping coupon furnished with and detached from such license”, so that the said subsection shall now read as follows:

Prohibition
against
exporting
certain fish.

(9) It shall be unlawful for any person to export from Ontario any maskinonge, large-mouthed or small-mouthed black bass, speckled trout, brown trout, rainbow trout, or Aurora trout no matter where procured, provided that any non-resident angler fishing under a license may, upon leaving the Province, take with him the lawful catch of one day’s fishing from any waters and in the case of commercial fish taken from the Great Lakes and the connecting waters, the lawful catch of two days’ fishing, and every catch shall be accompanied by the shipping coupon furnished with and detached from such license.

Rev. Stat.,
c. 353, s. 49,
amended.

(2) The said section 49 is amended by adding thereto the following subsection:

Interpre-
tation,—

(9a) In this section,—

“commercial
fish”.

(a) “commercial fish” shall mean all fish other than game fish; and

- (b) "game fish" shall mean small-mouthed black "game fish". bass, large-mouthed black bass, maskinonge, Atlantic salmon, landlocked or Sebago salmon, ouananiche, speckled trout, brown trout or Loch Leven trout, rainbow trout or steel-head trout, rainbow trout or shasta trout and Aurora trout.

2.—(1) Subsection 1 of section 65 of *The Game and Fisheries Act* is amended by striking out all the words after the word "owner" in the fourth line, including clause *a*, so that the said subsection shall now read as follows. Rev. Stat.,
c. 353, s. 65,
subs. 1,
amended.

- (1) It shall be unlawful for any person, at any time, to enter with any sporting implement or fishing rod or tackle in his possession, or permit his dogs to enter into any growing or standing grain, without the permission of the owner. Prohibition
as to enter-
ing standing
grain.

(2) The said section 65 is amended by adding thereto the following subsections: Rev. Stat.,
c. 353, s. 65,
amended.

- (1a) It shall be unlawful for any person at any time to hunt, shoot or fish, or with any sporting implement, fishing rod or tackle in his possession, to go upon any enclosed or unenclosed land or water after having had notice not to hunt, shoot or fish thereon by the owner, provided that this subsection shall not apply to any person travelling on any water when such sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit. Prohibition
as to enter-
ing land
after notice
from owner.

- (1b) In this section "owner" shall include any person who is the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license. "Owner",
defined.

3. This Act may be cited as *The Game and Fisheries Amendment Act, 1942*. Short title.

BILL

An Act to amend The Game and Fisheries Act.

1st Reading

March 31st, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

Mr. NIXON (Brant)

1942

No. 43

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Wills Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Wills Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 164, s. 13,
re-enacted.

1. Section 13 of *The Wills Act* as amended by subsection 1 of section 5 of *The Statute Law Amendment Act, 1939, (No. 2)* is repealed and the following substituted therefor:

Will of
member of
the forces.

13.—(1) The will of any member of the forces, or of any mariner or seaman when at sea or in course of a voyage, disposing of real or personal property, or both, may be made by a writing signed by him without any further formality or any requirement as to the presence of or attestation or signature by any witness.

Age of
testator.

(2) The fact that the member of the forces or the mariner or seaman is under the age of twenty-one years at the time he makes his will shall not invalidate it.

"Member of
the forces",—
meaning of.

(3) In this section "member of the forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Short title.

2. This Act may be cited as *The Wills Amendment Act, 1942*.

EXPLANATORY NOTE

The present section 13 of *The Wills Act*, as amended in 1939 (2nd session, chapter 11, section 5) permits a member of the forces "on actual military service" (or similarly circumstanced in the case of other branches of the service) or a mariner or seaman being at sea, to dispose of his personal estate by will without complying with the usual formalities relating to the form and execution of wills. The second subsection of the present section 13 dispenses with the requirement that a person must be twenty-one years of age in order to effectively make a will.

The combined effect of the two subsections, which is an unsatisfactory one, is that a soldier or other person of the classes indicated in the section, need not be twenty-one years of age in order to make a will disposing of his personal or real property, but whereas a will disposing of personal property may be of an informal nature, a will disposing of real property must be made in compliance with the law relating to the form and execution of wills. Further, the term "in actual military service" is very difficult of interpretation and not in keeping with military terminology.

The proposed section is based upon the provisions of the uniform *Wills Act* as prepared by the Conference of Commissioners on Uniformity of Legislation relating to wills of members of the armed forces. It defines "member of the forces" in a manner consistent with modern conditions.

It provides that the will of any member of the forces (as defined in subsection 3), or of a mariner or seaman when at sea or in the course of a voyage, may be made by a writing signed by him without any requirement as to witnessing or other formalities and provides that the person making the will need not be twenty-one years of age.

BILL

An Act to amend The Wills Act.

1st Reading

April 1st, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 43

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Wills Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Wills Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 164, s. 13,
re-enacted.

1. Section 13 of *The Wills Act* as amended by section 5 of *The Statute Law Amendment Act, 1939*, (No. 2) is repealed and the following substituted therefor:

Will of
member of
the forces.

13.—(1) The will of any member of the forces, or of any mariner or seaman when at sea or in course of a voyage, disposing of real or personal property, or both, may be made by a writing signed by him without any further formality or any requirement as to the presence of or attestation or signature by any witness.

Age of
testator.

(2) The fact that the member of the forces or the mariner or seaman is under the age of twenty-one years at the time he makes his will shall not invalidate it.

"Member of
the forces",—
meaning of.

(3) In this section "member of the forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Short title.

2. This Act may be cited as *The Wills Amendment Act, 1942*.

BILL

An Act to amend The Wills Act.

1st Reading

April 1st, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. CONANT

1942

No. 44

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Liquor Control Act.

MR. GORDON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294, s. 69,
amended.

1. Section 69 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Application
of *Active
Service
Election
Act*, 1942.

(8a) During the continuance in force of *The Active Service Election Act*, 1942, sections 1 and 2 and Parts II and III of the said Act shall apply *mutatis mutandis* to the vote on any question under this Act, provided that the said Part II shall apply to every active service voter as defined by the said Act whether serving within or outside of Ontario.

Rev. Stat.,
c. 294,
amended.

2. *The Liquor Control Act* is amended by adding thereto the following section:

Permit
not to be
issued to
minor.

89a.—(1) No person authorized to issue permits under the provisions of this Act shall knowingly issue a permit to any person under the age of twenty-one years.

Minor not
to apply
for permit.

(2) No person under the age of twenty-one years shall apply for or obtain a permit.

Rev. Stat.,
c. 294, s. 98,
re-enacted.

3. Section 98 of *The Liquor Control Act* is repealed and the following substituted therefor:

Liquor not
to be
supplied
to minor.

98.—(1) No person shall sell or supply liquor to a person under the age of twenty-one years.

Minor pro-
hibited from
purchasing
liquor.

(2) No person under the age of twenty-one years shall apply for, attempt to purchase, purchase or otherwise obtain liquor.

Application
of section.

(3) This section shall not apply to the supplying of liquor to a person under the age of twenty-one years

EXPLANATORY NOTES

SECTION 1. Parts II and III of *The Active Service Election Act, 1942*, provides for the vote of active service voters outside the Province by proxy.

This section provides that active service voters whether within or without Ontario may vote by proxy on any question under *The Liquor Control Act*.

SECTION 2. Heretofore it was not an offence for any official to issue a liquor permit to a minor.

This section creates two new subsections to section 89.

Subsection 1 makes it an offence to issue a permit to a minor.

Subsection 2 makes it an offence for any minor to apply for or obtain a permit.

SECTION 3. This section repeals old section 98 and re-enacts it. It now includes a prohibition against a minor from purchasing liquor, which heretofore was not an offence. This would only apply to minors purchasing from Government vendors, Brewers or Wine Retail stores. The right of a physician to supply liquor to a minor for medicinal purposes is preserved.

for medicinal purposes only by the parent or guardian of such person, or to the administering of liquor to such person by a physician or as provided by this Act.

Rev. Stat.,
c. 294, s. 100,
amended. 4.—(1) Section 100 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Forfeiture
of liquor and
containers.

(1a) Notwithstanding anything in this Act contained, where any order is made against any person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order shall *ipso facto* be forfeited to His Majesty in the right of the Province.

Rev. Stat.,
c. 294, s. 100,
subs. 2,
amended.

(2) Subsection 2 of the said section 100 is amended by inserting after the word "who" in the ninth line the word "knowingly" and by striking out the words "so made against him" also in the ninth line, so that the said subsection shall now read as follows:

Board may
prohibit
supplying.

(2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person who knowingly contravenes any such order shall be guilty of an offence against the provisions of this Act.

Rev. Stat.,
c. 294, s. 100,
subs. 3,
amended.

(3) Subsection 3 of the said section 100 is amended by inserting after the word "who" in the sixth line the word "knowingly", so that the said subsection shall now read as follows:

Board may
prescribe.

(3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who knowingly contravenes the provisions of any such order shall be guilty of an offence against this Act.

Rev. Stat.,
c. 294,
amended.

5. *The Liquor Control Act* is amended by adding thereto the following section:

SECTION 4. Under section 100 of *The Liquor Control Act*, the Board may prohibit any person from having, purchasing or consuming any liquor. It often happens that liquor is in possession of a person so prohibited at the time the order is made and such liquor can be kept by the prohibited person in such a manner as to defeat the purpose of the Board's order, i.e. a container can be kept always full to the quantity on hand at the time that the Board's old order was made.

Subsection 1a provides that all liquor in possession of such a person is forfeited immediately the order is made.

Subsection 2. It is an offence to sell or supply liquor to any person against whom a prohibitory order is made by the Board under section 100. When these orders are made, those in charge of retail outlets for the sale of liquor are notified of the Board's order. It frequently happens that by inadvertence, liquor is sold to these prohibited persons and it is impossible for those engaged in selling liquor to safeguard sales to all prohibited persons, especially in large urban centres.

Subsections 2 and 3 provide that it should only be an offence if the person selling or supplying the liquor to a prohibited person does so "knowingly".

SECTION 5. This section makes it an offence for any person to be found in bootlegging establishments.

Offence.

108a. Every person who, without lawful excuse, is found in any premises at the time of the commission upon such premises of any offence against or violation of any of the provisions of this Act shall be guilty of an offence against this Act.

Rev. Stat.,
c. 294, s. 119,
amended.

6. Section 119 of *The Liquor Control Act* is amended by striking out the words and figures "sections 98 and 101" in the second line and inserting in lieu thereof the words and figures "subsection 1 of section 98 or section 101", so that the said section shall now read as follows:

Sale to
minors and
interdicted
persons.

119. Every person who knowingly violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Rev. Stat.,
c. 294, s. 120,
amended.

7. Section 120 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Penalty.

(2a) Every person who violates any of the provisions of subsection 4 of section 79, subsection 2 of section 89a or subsection 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months.

Rev. Stat.,
c. 294, s. 157,
amended.

8. Section 157 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Bail pending
appeal.

(7) The Chief Justice of Ontario or a judge of the Court of Appeal designated by him may, if it seems fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal and the provisions of the *Criminal Code* (Canada), and the rules made thereunder, respecting bail pending the determination of an appeal shall apply *mutatis mutandis*.

Short title.

9. This Act may be cited as *The Liquor Control Amendment Act, 1942*.

SECTION 6. This amendment is necessary in view of the recasting of section 98 of *The Liquor Control Act* as provided in section 3 of the Bill. It does not alter the penalty for supplying liquor to minors.

SECTION 7. This section provides for an increased penalty for a minor purchasing beer from an authority holder and it also provides the same penalty for a minor purchasing a permit or purchasing liquor.

SECTION 8. There is no provision under *The Liquor Control Act* providing for bail where an accused person on a certificate of the Attorney-General appeals to the Court of Appeal. This provides that the Chief Justice of Ontario or any Judge of the Court of Appeal may admit an appellant to bail in the same manner as provided under the Criminal Code.

BILL

An Act to amend The Liquor
Control Act

1st Reading

April 1st, 1942

2nd Reading

3rd Reading

MR. GORDON

No. 44

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Liquor Control Act.

MR. GORDON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294, s. 69,
amended.

1. Section 69 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Application
of *Active
Service
Election
Act, 1942.*

(8a) During the continuance in force of *The Active Service Election Act, 1942*, sections 1 and 2 and Parts II and III of the said Act shall apply *mutatis mutandis* to the vote on any question under this Act, provided that the said Part II shall apply to every active service voter as defined by the said Act whether serving within or outside of Ontario, provided however that any active service voter qualified to vote on any question under this Act in any municipality and who is resident or stationed in, or within ten miles of, such municipality on the date when such vote is held shall vote in person and not by proxy.

Proviso.

Rev. Stat.,
c. 294,
amended.

2. *The Liquor Control Act* is amended by adding thereto the following section:

When
deemed to be
21 years
or over.

86a. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such Forces shall be deemed to be twenty-one years of age or over.

Rev. Stat.,
c. 294,
amended.

3. *The Liquor Control Act* is amended by adding thereto the following section:

Permit
not to be
issued to
minor.

89a.—(1) No person authorized to issue permits under the provisions of this Act shall knowingly issue a permit to any person under the age of twenty-one years.

- (2) No person under the age of twenty-one years shall apply for or obtain a permit. Minor not to apply for permit.

4. Section 98 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 294, s. 98, re-enacted.

- 98.—(1) No person shall sell or supply liquor to a person under the age of twenty-one years. Liquor not to be supplied to minor.
- (2) No person under the age of twenty-one years shall apply for, attempt to purchase, purchase or otherwise obtain liquor. Minor prohibited from purchasing liquor.
- (3) This section shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person, or to the administering of liquor to such person by a physician or as provided by this Act. Application of section.

5.—(1) Section 100 of *The Liquor Control Act* is amended by adding thereto the following subsection: Rev. Stat., c. 294, s. 100, amended.

- (1a) Notwithstanding anything in this Act contained, where any order is made against any person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order shall *ipso facto* be forfeited to His Majesty in the right of the Province. Forfeiture of liquor and containers.

(2) Subsection 2 of the said section 100 is amended by inserting after the word "who" in the ninth line the word "knowingly" and by striking out the words "so made against him" also in the ninth line, so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 100, subs. 2, amended.

- (2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person who knowingly contravenes any such order shall be guilty of an offence against the provisions of this Act. Board may prohibit supplying.

(3) Subsection 3 of the said section 100 is amended by inserting after the word "who" in the sixth line the word Rev. Stat., c. 294, s. 100, subs. 3, amended.

"knowingly", so that the said subsection shall now read as follows:

Board may
prescribe.

- (3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who knowingly contravenes the provisions of any such order shall be guilty of an offence against this Act.

Rev. Stat.,
c. 294,
amended.

- 6.** *The Liquor Control Act* is amended by adding thereto the following section:

Offence.

- 108a. Every person who, without lawful excuse, is found in any premises at the time of the commission upon such premises of any offence against or violation of any of the provisions of this Act shall be guilty of an offence against this Act.

Rev. Stat.,
c. 294, s. 119,
amended.

- 7.** Section 119 of *The Liquor Control Act* is amended by striking out the words and figures "sections 98 and 101" in the second line and inserting in lieu thereof the words and figures "subsection 1 of section 98 or section 101", so that the said section shall now read as follows:

Sale to
minors and
interdicted
persons.

119. Every person who knowingly violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Rev. Stat.,
c. 294, s. 120,
amended.

- 8.** Section 120 of *The Liquor Control Act* is amended by adding thereto the following subsection:

Penalty.

- (2a) Every person who violates any of the provisions of subsection 4 of section 79, subsection 2 of section 89a or subsection 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months.

9. Section 157 of *The Liquor Control Act* is amended by Rev. Stat.,
c. 294, s. 157,
amended.
adding thereto the following subsection:

- (7) The Chief Justice of Ontario or a judge of the Court Bail pending
appeal.
of Appeal designated by him may, if it seems fit,
on the application of an appellant, admit the appel-
lant to bail pending the determination of his appeal
and the provisions of the *Criminal Code* (Canada),
and the rules made thereunder, respecting bail
pending the determination of an appeal shall apply
mutatis mutandis.

10. This Act may be cited as *The Liquor Control Amendment* Short title.
Act, 1942.

An Act to amend The Liquor
Control Act

1st Reading

April 1st, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. GORDON

No. 45

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Evidence Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Evidence Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 119,
amended.

1. *The Evidence Act* is amended by adding thereto the following sections:

Interpreta-
tion,—

29a.—(1) In this section,

“bank”;

(a) “bank” includes The Bank of Canada;

“photo-
graphic
film”.

(b) “photographic film” includes any photographic plate, microphotographic film and photostatic negative.

Photo-
graphic print
admissible in
evidence.

(2) A print, whether enlarged or not, from any photographic film of,

(a) an entry in any book or record kept by any bank and destroyed, lost or delivered to a customer after such film was taken;

(b) any bill of exchange, promissory note, cheque, receipt, original instrument or document held by any bank and destroyed, lost or delivered to a customer after such film was taken;

(c) any record, document, plan, book or paper belonging to or deposited with any department, commission, board or branch of the Government of Canada or of any Province of Canada;

shall be admissible in evidence in all cases in which and for all purposes for which the object photographed would have been received, upon proof that,

EXPLANATORY NOTES

GENERAL. Both sections enacted by this Bill are contained in the Draft Uniform *Evidence Act* as adopted by the Conference of Commissioners on Uniformity of Legislation in Canada.

SECTION 1. The proposed section 29a permits bank records and documents which have been destroyed, lost or delivered to a customer as well as government records to be proven in court by photographic copies.

- (i) while such book, record, bill of exchange, promissory note, cheque, receipt, original instrument or document, plan, book or paper was in the custody or control of the bank, department, commission, board or branch, the photographic film was taken thereof in order to keep a permanent record thereof; and
- (ii) the object photographed was subsequently destroyed by or in the presence of one or more of the employees of the bank, department, commission, board or branch or was lost or was delivered to a customer.

Proof of compliance with conditions.

- (3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the bank, department, commission, board or branch having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or of the making of the print as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public.

Proof by notarial copy.

- (4) Unless the Court otherwise orders, a notarial copy of any such affidavit shall be admissible in evidence in lieu of the original affidavit.

Rev. Stat., c. 119, s. 45, re-enacted.

2. Section 45 of *The Evidence Act* is repealed and the following substituted therefor:

Military records.

- 45. The production of a certificate in writing signed or purporting to be signed,
 - (a) by the Adjutant-General, Deputy Adjutant-General, or officer in charge of records, Militia Service, Department of National Defence, in the case of a member of His Majesty's Military Forces; or
 - (b) by the Naval Secretary, Naval Service, Department of National Defence, in the case of a member of His Majesty's Naval Forces; or
 - (c) by the officer in charge of records, Air Service, Department of National Defence, in the case of a member of His Majesty's Air Forces; or
 - (d) by an officer of His Majesty's Naval, Military or Air Forces, authorized so to sign, in the case of a member of any of His Majesty's Forces;

SECTION 2. Section 45 of *The Evidence Act* which prescribes a method of proving the death of a member of His Majesty's Forces is re-enacted so as to conform with modern conditions.

stating that the person named in the certificate was a member of any of His Majesty's Forces, and that he has been officially reported as dead or presumed to be dead, if it appears on the face of the certificate that the person signing is qualified as prescribed in clause *a*, *b*, *c*, or *d*, as the case may be, shall be sufficient proof of the death of such person and of all facts stated in the certificate for any purpose to which the authority of this Legislature extends, and also of the office, authority and signature of the person giving or making the certificate, without any proof of his appointment, authority or signature.

Short title. **3.** This Act may be cited as *The Evidence Amendment Act, 1942.*

BILL

An Act to amend The Evidence Act.

1st Reading

April 1st, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 45

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Evidence Act.

MR. CONANT

TORONTO
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BILL

An Act to amend The Evidence Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 119,
amended.

1. *The Evidence Act* is amended by adding thereto the following sections:

Interpreta-
tion,—

29a.—(1) In this section,

“bank”;

(a) “bank” includes The Bank of Canada;

“photo-
graphic
film”.

(b) “photographic film” includes any photographic plate, microphotographic film and photostatic negative.

Photo-
graphic print
admissible in
evidence.

(2) A print, whether enlarged or not, from any photographic film of,

(a) an entry in any book or record kept by any bank and destroyed, lost or delivered to a customer after such film was taken;

(b) any bill of exchange, promissory note, cheque, receipt, original instrument or document held by any bank and destroyed, lost or delivered to a customer after such film was taken;

(c) any record, document, plan, book or paper belonging to or deposited with any department, commission, board or branch of the Government of Canada or of any Province of Canada;

shall be admissible in evidence in all cases in which and for all purposes for which the object photographed would have been received, upon proof that,

- (i) while such book, record, bill of exchange, promissory note, cheque, receipt, original instrument or document, plan, book or paper was in the custody or control of the bank, department, commission, board or branch, the photographic film was taken thereof in order to keep a permanent record thereof; and
 - (ii) the object photographed was subsequently destroyed by or in the presence of one or more of the employees of the bank, department, commission, board or branch or was lost or was delivered to a customer.
- (3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the bank, department, commission, board or branch having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or of the making of the print as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public.
- (4) Unless the Court otherwise orders, a notarial copy of any such affidavit shall be admissible in evidence in lieu of the original affidavit.

Proof of compliance with conditions.

Proof by notarial copy.

2. Section 45 of *The Evidence Act* is repealed and the following substituted therefor:

Rev. Stat., c. 119, s. 45, re-enacted.

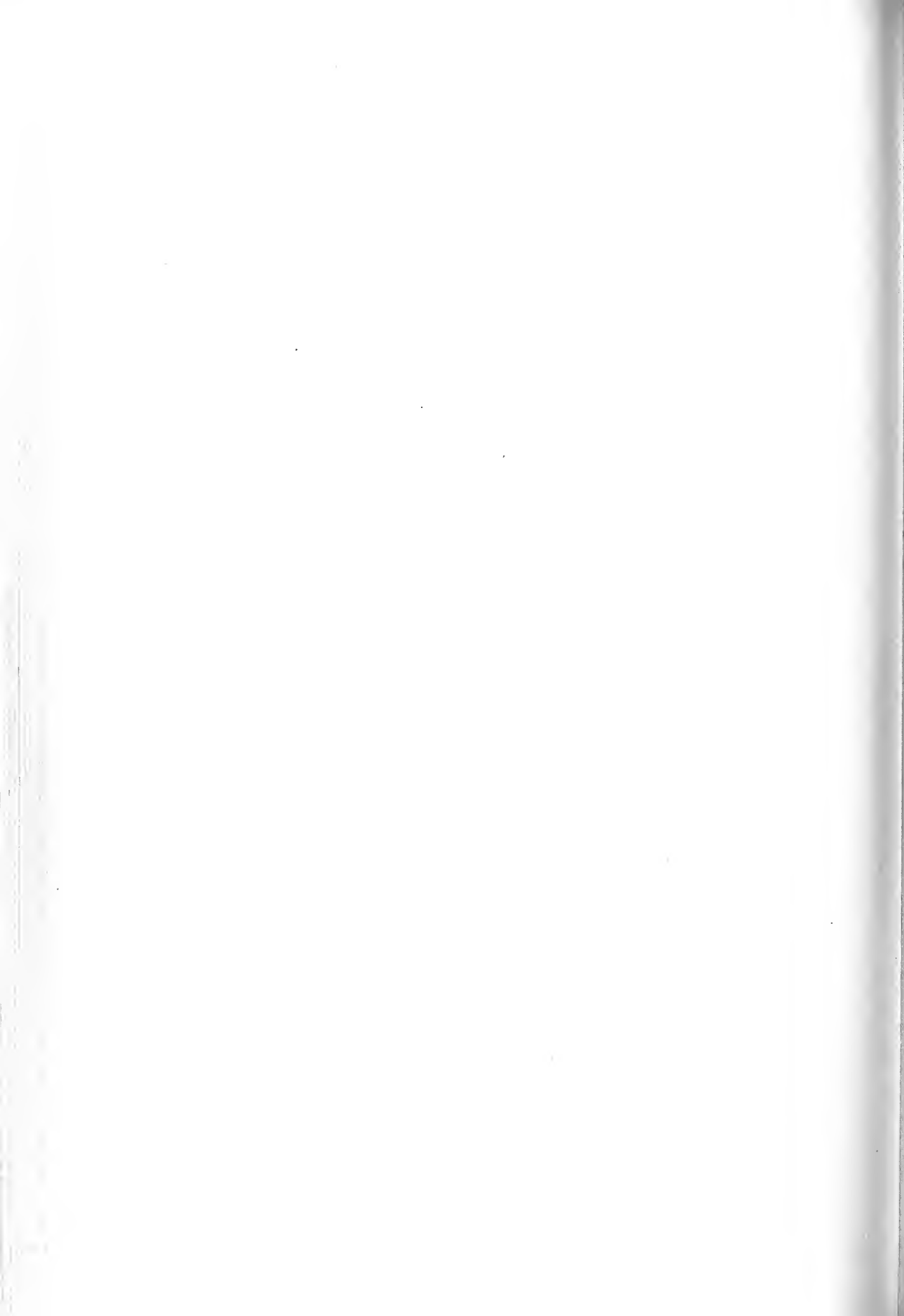
45. The production of a certificate in writing signed or purporting to be signed,
- (a) by the Adjutant-General, Deputy Adjutant-General, or officer in charge of records, Militia Service, Department of National Defence, in the case of a member of His Majesty's Military Forces; or
 - (b) by the Naval Secretary, Naval Service, Department of National Defence, in the case of a member of His Majesty's Naval Forces; or
 - (c) by the officer in charge of records, Air Service, Department of National Defence, in the case of a member of His Majesty's Air Forces; or
 - (d) by an officer of His Majesty's Naval, Military or Air Forces, authorized so to sign, in the case of a member of any of His Majesty's Forces;

Military records.

stating that the person named in the certificate was a member of any of His Majesty's Forces, and that he has been officially reported as dead or presumed to be dead, if it appears on the face of the certificate that the person signing is qualified as prescribed in clause *a*, *b*, *c*, or *d*, as the case may be, shall be sufficient proof of the death of such person and of all facts stated in the certificate for any purpose to which the authority of this Legislature extends, and also of the office, authority and signature of the person giving or making the certificate, without any proof of his appointment, authority or signature.

Short title.

3. This Act may be cited as *The Evidence Amendment Act, 1942*.



BILL

An Act to amend The Evidence Act.

1st Reading

April 1st, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 14th, 1942

MR. CONANT

No. 46

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Insurance Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 256,
s. 1, cls. 4,
9, 14, 19, 26,
27, 30, 39, 48,
53, 54, 58, 60,
repealed.

1. Clauses 4, 9, 14, 19, 26, 27, 30, 39, 48, 53, 54, 58 and 60 of section 1 of *The Insurance Act* are repealed.

Rev. Stat.,
c. 256, s. 24,
re-enacted.

2. Section 24 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of
insurance.

24.—(1) The Lieutenant-Governor in Council may make regulations determining and defining, for the purposes of this Act and of any licenses granted to an insurer hereunder, what shall be distinct classes of insurance.

License to
carry on
insurance
business.

(2) Subject to provisions of parts of this Act particularly relating to classes of insurers mentioned in section 23, a license may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 1 and such other classes as may be prescribed by the regulations.

Determina-
tion of
classes of
insurance
by Super-
intendent.

(3) For the purposes of this Act the Superintendent may determine the class or classes of insurance into which the circumstances or conditions in any case may bring any insurance granted or which may be granted in respect thereto, and the policy form for the class of insurance to be used thereunder.

Limited or
conditional
license.

(4) Any license may be issued subject to such limitations and conditions as the Minister may prescribe.

Rev. Stat.,
c. 256, s. 39,
amended.

3. Section 39 of *The Insurance Act* is amended by adding thereto the following subsection:

Application
of ss. 40-70.

(2a) The provisions of sections 40 to 70 shall not apply to an insurer in respect of its business of marine insurance.

EXPLANATORY NOTES

SECTION 1. The amendment removes from The Insurance Act the definitions of classes of insurance which are not required for purposes of statutory conditions and provisions. Provision is made in section 2 of the Bill, subsection 1, to define such classes of insurance by regulations. The purpose is to provide for uniform definitions in the Provinces and the Dominion and permit changes to be made to provide for new insurance forms and coverages.

SECTION 2. This is complementary to section 1 of the Bill. The new section provides for the defining of classes of insurance by regulation and for the determination by the Superintendent of the class of insurance into which the various forms of insurance contracts may fall.

SECTION 3. The subsection makes clear that marine insurance business is not subject to the deposit provisions of The Insurance Act.

Rev. Stat.,
c. 256, s. 102,
subs. 1a
(1940,
c. 11, s. 2)
repealed.

4. Subsection 1a of section 102 of *The Insurance Act* as enacted by section 2 of *The Insurance Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 256,
amended.

5.—(1) *The Insurance Act* is amended by adding thereto the following section:

Indemnity
not contrary
to public
policy.

187a. Indemnity under a contract of automobile insurance shall not be deemed contrary to public policy whether or not loss or damage in respect of which the indemnity is claimed has been caused through negligence or through violation of the *Criminal Code* or any law or statute of any province, state or country by the owner or driver of the automobile.

Application
of subs. 1.

(2) Subsection 1 shall not apply to pending litigation.

Rev. Stat.,
c. 256, s. 188,
amended.

6. Section 188 of *The Insurance Act* is amended by adding thereto the following statutory condition:

Liability 3a. In cases other than motor vehicle liability policies, **in War.** the insurer shall not be liable for loss or damage that is caused directly or indirectly by bombardment, invasion, civil war, insurrection, rebellion, revolution, military or usurped power, or by operations of armed forces while engaged in hostilities, whether war be declared or not, or by civil commotion arising from any of the foregoing, unless the policy or an endorsement thereon expressly provides otherwise.

Rev. Stat.,
c. 256, s. 222,
amended.

7. Section 222 of *The Insurance Act* is amended by adding at the end thereof the words "but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance", so that the said section shall now read as follows:

Application
of Part.

222. This Part shall apply to weather insurance and to any insurer carrying on the business of weather insurance in the Province, but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance.

Rev. Stat.,
c. 256, s. 281,
subs. 15,
re-enacted.

8. Subsection 15 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Members of
insurance
corporations.

(15) A member of a duly licensed pension fund association other than a salaried employee who receives commission, or a member of a mutual fire, weather or live stock insurance corporation carrying on business solely on the premium note plan, may without a license, solicit persons to become members of such society, association or corporation.

SECTION 4. The section repealed applies the provisions of the Fire Part of The Insurance Act to any additional hazards which may be covered by a contract supplemental to a fire policy. Certain provisions of such supplemental contracts conflict with provisions in the Fire Part of the Act and the section is therefore repealed.

SECTION 5. The common law principle of no indemnity for loss caused by a criminal act is removed as a defence to a claim under an automobile insurance policy.

SECTION 6. There are no provisions in the present standard automobile policy dealing with losses caused by war. The new condition excludes coverage of such losses except where special provision has been made in the policy or in an endorsement thereto.

SECTION 7. It has become a recent practice of insurance companies to provide a form of weather insurance coverage by endorsement to a contract of fire insurance. A conflict arises in such cases between the conditions applicable to fire insurance and those applicable to weather insurance. The amendment removes this conflict.

SECTION 8. The section provides for the licensing of agents of fraternal societies.

Officers of
fraternal
societies.

(15a) An officer or a salaried employee of the head office of a duly licensed fraternal society who does not receive commission, may, without a license, solicit insurance contracts on behalf of the society.

Members of
fraternal
societies.

(15b) Any member not an officer or salaried employee described in subsection 15a may without a license solicit insurance contracts on behalf of the society unless such member devotes or intends to devote more than one-half of his time to soliciting such contracts or has in the previous license year solicited and procured life insurance contracts on behalf of the society in an amount in excess of \$20,000.

Commence-
ment of
ss. 1, 6.

9. Sections 1 and 6 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

10. This Act may be cited as *The Insurance Amendment Act, 1942*.

BILL

An Act to amend The Insurance Act.

1st Reading

April 1st, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

No. 46

7TH SESSION, 20TH LEGISLATURE, ONTARIO
8 GEORGE VI, 1942

BILL

An Act to amend The Insurance Act.

MIL CHAMANT

11801N71

PRINTED BY T. E. EDWARDS

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BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 256,
s. 1, cls. 4,
9, 14, 19, 26,
27, 30, 39, 48,
53, 54, 58, 60,
repealed.

1. Clauses 4, 9, 14, 19, 26, 27, 30, 39, 48, 53, 54, 58 and 60 of section 1 of *The Insurance Act* are repealed.

Rev. Stat.,
c. 256, s. 24,
re-enacted.

2. Section 24 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of
insurance.

24.—(1) The Lieutenant-Governor in Council may make regulations determining and defining, for the purposes of this Act and of any licenses granted to an insurer hereunder, what shall be distinct classes of insurance.

License to
carry on
insurance
business.

(2) Subject to provisions of parts of this Act particularly relating to classes of insurers mentioned in section 23, a license may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 1 and such other classes as may be prescribed by the regulations.

Determina-
tion of
classes of
insurance
by Super-
intendent.

(3) For the purposes of this Act the Superintendent may determine the class or classes of insurance into which the circumstances or conditions in any case may bring any insurance granted or which may be granted in respect thereto, and the policy form for the class of insurance to be used thereunder.

Limited or
conditional
license.

(4) Any license may be issued subject to such limitations and conditions as the Minister may prescribe.

Rev. Stat.,
c. 256, s. 39,
amended.

3. Section 39 of *The Insurance Act* is amended by adding thereto the following subsection:

Application
of ss. 40-70.

(2a) The provisions of sections 40 to 70 shall not apply to an insurer in respect of its business of marine insurance.

4. Subsection 1a of section 102 of *The Insurance Act* as enacted by section 2 of *The Insurance Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 256, s. 102,
subs. 1a
(1940,
c. 11, s. 2)
repealed.

5.—(1) *The Insurance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 256,
amended.

187a. Indemnity under a contract of automobile insurance shall not be deemed contrary to public policy whether or not loss or damage in respect of which the indemnity is claimed has been caused through negligence or through violation of the *Criminal Code* or any law or statute of any province, state or country by the owner or driver of the automobile.

Indemnity
not contrary
to public
policy.

(2) Subsection 1 shall not apply to pending litigation.

Application
of subs. 1.

6. Section 188 of *The Insurance Act* is amended by adding thereto the following statutory condition:

Rev. Stat.,
c. 256, s. 188,
amended.

Liability 3a. In cases other than motor vehicle liability policies, **in War.** the insurer shall not be liable for loss or damage that is caused directly or indirectly by bombardment, invasion, civil war, insurrection, rebellion, revolution, military or usurped power, or by operations of armed forces while engaged in hostilities, whether war be declared or not, or by civil commotion arising from any of the foregoing, unless the policy or an endorsement thereon expressly provides otherwise.

7. Section 222 of *The Insurance Act* is amended by adding at the end thereof the words "but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance", so that the said section shall now read as follows:

Rev. Stat.,
c. 256, s. 222,
amended.

222. This Part shall apply to weather insurance and to any insurer carrying on the business of weather insurance in the Province, but shall not apply to weather insurance provided by an endorsement to a contract of fire insurance.

Application
of Part.

8. Subsection 15 of section 281 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 281,
subs. 15,
re-enacted.

(15) A member of a duly licensed pension fund association other than a salaried employee who receives commission, or a member of a mutual fire, weather or live stock insurance corporation carrying on business solely on the premium note plan, may without a license, solicit persons to become members of such society, association or corporation.

Members of
insurance
corporations.

Officers of
fraternal
societies.

(15a) An officer or a salaried employee of the head office of a duly licensed fraternal society who does not receive commission, may, without a license, solicit insurance contracts on behalf of the society.

Members of
fraternal
societies.

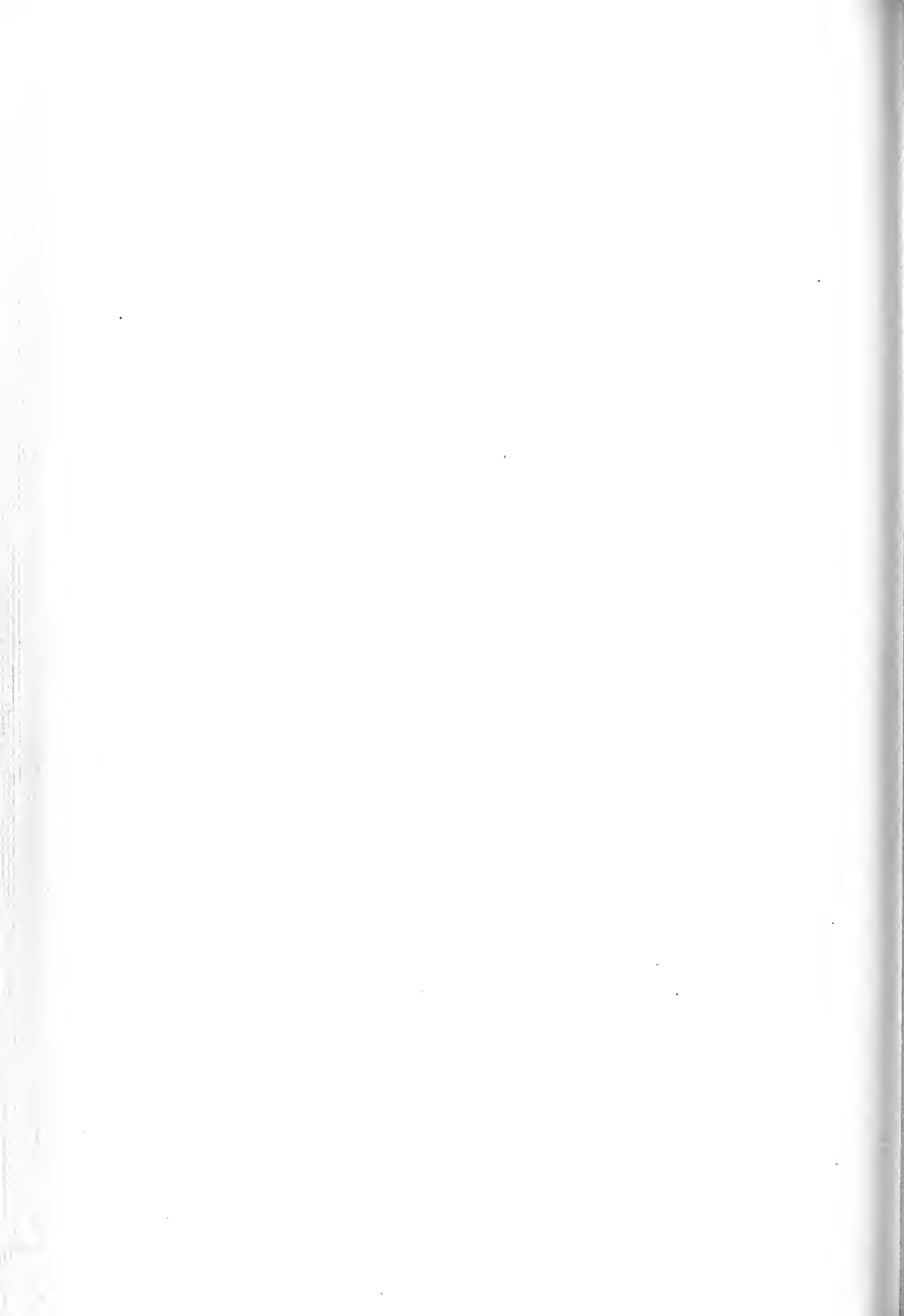
(15b) Any member not an officer or salaried employee described in subsection 15a may without a license solicit insurance contracts on behalf of the society unless such member devotes or intends to devote more than one-half of his time to soliciting such contracts or has in the previous license year solicited and procured life insurance contracts on behalf of the society in an amount in excess of \$20,000.

Commence-
ment of
ss. 1, 6.

9. Sections 1 and 6 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

10. This Act may be cited as *The Insurance Amendment Act, 1942*.



BILL

An Act to amend The Insurance Act.

1st Reading

April 1st, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. CONANT

No. 47

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Local Improvement Act.

MR. MACFIE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 47

1942

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 269, s. 58,
amended.

1. Section 58 of *The Local Improvement Act* is amended by inserting after the word "tax" in the fifth line, the words "other than schools in a rural school section" so that the said section shall now read as follows:

Certain lands
exempt from
taxation
liable to be
specially
assessed.

58. Land on which a church or place of worship is erected or which is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, except schools maintained in whole or in part by a legislative grant or a school tax other than schools in a rural school section, shall be liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*.

Rev. Stat.,
c. 272.

Short title.

2. This Act may be cited as *The Local Improvement Amendment Act, 1942*.

EXPLANATORY NOTE

The amendment provides that schools in a rural school section shall be liable to be specially assessed for local improvements.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

April 2nd, 1942

2nd Reading

3rd Reading

MR. MACFIE

No. 48

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Execution Act.

MR. FLETCHER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Execution Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 125, s. 2,
re-enacted.

1. Section 2 of *The Execution Act* is repealed and the following substituted therefor:

Chattels
exempt
from
seizure.

2. The following chattels shall be exempt from seizure under any writ issued out of any court:

- (a) The household furniture, utensils and equipment which are contained in and form part of the permanent home of the debtor, provided that this clause shall not apply to furniture, utensils or equipment purchased for defeating the claims of creditors;
- (b) The necessary and ordinary wearing apparel of the debtor and his family;
- (c) In the case of a debtor other than a person engaged in the tillage of the soil or farming, such food as the debtor actually has in his possession for the purposes of consumption by himself and his family and in the case of a person engaged in the tillage of the soil or farming, such food as is necessary for consumption by himself and his family until the next harvest whether such food is in consumable state or requires to be milled, slaughtered or otherwise processed;
- (d) Such fuel as is within the debtor's home;
- (e) Live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$600;

EXPLANATORY NOTES

Section 2 of *The Execution Act* which prescribes the exemption from execution to which a debtor is entitled is very old. By mentioning specific articles throughout the section the result is that while it applies in the case of a man engaged in a particular calling so as to give him wide exemptions, it may apply to a man engaged in another calling so as to give him comparatively small exemption from execution. The section is re-enacted in a more general way so that it will apply as equally and equitably as possible to every person irrespective of the calling in which he is engaged.

The Bill also prevents a man from waiving or abandoning his rights to exemptions given him by the Act.

- (f) In the case of a person engaged solely in farming or the tillage of the soil, sufficient seed to seed all his land under cultivation, not exceeding one hundred acres, as selected by the debtor and fourteen bushels of potatoes, and where seizure is made between the 1st day of October and the 30th day of April, such food and bedding as is necessary to feed and bed the live stock and fowl which are exempt under this section until the 30th day of April next following.

Rev. Stat.,
c. 125,
amended.

2. *The Execution Act* is amended by adding thereto the following section:

Agreement
to waive
or abandon
exemption
from seizure
void.

- 2a. Every agreement in any verbal or written lease to waive or abandon an exemption from seizure or a benefit, right or privilege of exemption from seizure under this Act and every arrangement, contract or bargain, verbal or written, under seal or otherwise, collateral to a lease and any chattel mortgage as security for a lease, made or entered into, with or without valuable consideration, whereby an attempt is made to prevent any person from claiming any benefit, right or privilege of exemption under this Act, shall be absolutely null and void.

Rev. Stat.,
c. 125, s. 3,
re-enacted.

3. Section 3 of *The Execution Act* is repealed and the following substituted therefor:

Right of
debtor to
part pro-
ceeds of
sale of
implements.

3. The debtor may, in lieu of the chattels referred to in clause *e* of section 2, elect to receive the proceeds of the sale thereof up to \$600, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$600, or if the same exceed \$600, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause *e*.

Rev. Stat.,
c. 125, s. 4,
amended.

4. Section 4 of *The Execution Act* is amended by striking out the word and letter "clause *f*" in the first line and inserting in lieu thereof the word and letter "clause *e*", so that the said section shall now read as follows:

Money
derived
from sale
of exempted
goods.

4. The sum to which a debtor is entitled, under clause *e* of section 2, or under section 3, shall be exempt from attachment or seizure at the instance of a creditor.

Rev. Stat.,
c. 125, s. 7,
re-enacted.

5. Section 7 of *The Execution Act* is repealed and the following substituted therefor:

Beds and
wearing
apparel
exempt.

7. Nothing herein contained shall exempt any article, except beds, bedding and bedsteads (including cradles) in ordinary use by the debtor and his family and the necessary and ordinary wearing apparel of the debtor and his family, from seizure to satisfy a debt contracted for such article.

Short title.

6. This Act may be cited as *The Execution Amendment Act, 1942*.

BILL

An Act to amend The Execution Act.

1st Reading

April 2nd, 1942

2nd Reading

3rd Reading

MR. FLETCHER

1942

No. 48

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Execution Act.

MR. FLETCHER

(Reprinted as amended by the Committee on Legal Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Execution Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Execution Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 125, s. 2,
re-enacted.

2. The following chattels shall be exempt from seizure under any writ issued out of any court:

Chattels
exempt
from
seizure.

(a) The household furniture, utensils and equipment which are contained in and form part of the permanent home of the debtor, provided that this clause shall not apply to furniture, utensils or equipment purchased for defeating the claims of creditors and provided further that in the case of a writ issued upon a judgment given upon a claim for clothing, food, fuel or shelter supplied for the debtor or his family the exemption under this clause shall be limited to household furniture, utensils and equipment not exceeding in value \$200;

(b) The necessary and ordinary wearing apparel of the debtor and his family;

(c) In the case of a debtor other than a person engaged in the tillage of the soil or farming, such food as the debtor actually has in his possession for the purposes of consumption by himself and his family and in the case of a person engaged in the tillage of the soil or farming, such food as is necessary for consumption by himself and his family until the next harvest whether such food is in consumable state or requires to be milled, slaughtered or otherwise processed;

EXPLANATORY NOTES

Section 2 of *The Execution Act* which prescribes the exemption from execution to which a debtor is entitled is very old. By mentioning specific articles throughout the section the result is that while it applies in the case of a man engaged in a particular calling so as to give him wide exemptions, it may apply to a man engaged in another calling so as to give him comparatively small exemption from execution. The section is re-enacted in a more general way so that it will apply as equally and equitably as possible to every person irrespective of the calling in which he is engaged.

- (d) Such fuel as is within the debtor's home;
- (e) Live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$600;
- (f) In the case of a person engaged solely in farming or the tillage of the soil, sufficient seed to seed all his land under cultivation, not exceeding one hundred acres, as selected by the debtor and fourteen bushels of potatoes, and where seizure is made between the 1st day of October and the 30th day of April, such food and bedding as is necessary to feed and bed the live stock and fowl which are exempt under this section until the 30th day of April next following.

Rev. Stat.,
c. 125, s. 3,
re-enacted.

2. Section 3 of *The Execution Act* is repealed and the following substituted therefor:

Right of
debtor to
part pro-
ceeds of
sale of
implements.

- 3. The debtor may, in lieu of the chattels referred to in clause *e* of section 2, elect to receive the proceeds of the sale thereof up to \$600, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$600, or if the same exceed \$600, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause *e*.

Rev. Stat.,
c. 125, s. 4,
amended.

3. Section 4 of *The Execution Act* is amended by striking out the word and letter "clause *f*" in the first line and inserting in lieu thereof the word and letter "clause *e*", so that the said section shall now read as follows:

Money
derived
from sale
of exempted
goods.

- 4. The sum to which a debtor is entitled, under clause *e* of section 2, or under section 3, shall be exempt from attachment or seizure at the instance of a creditor.

Rev. Stat.,
c. 125, s. 7,
re-enacted.

4. Section 7 of *The Execution Act* is repealed and the following substituted therefor:

Beds and
wearing
apparel
exempt.

- 7. Nothing herein contained shall exempt any article including fuel, except beds, bedding and bedsteads (including cradles) in ordinary use by the debtor and his family and the necessary and ordinary wearing apparel of the debtor and his family, from seizure to satisfy a debt contracted for such article.

Short title.

5. This Act may be cited as *The Execution Amendment Act, 1942*.

BILL

An Act to amend The Execution Act.

1st Reading

April 2nd, 1942

2nd Reading

April 8th, 1942

3rd Reading

MR. FLETCHER

*(Reprinted as amended by the Committee
on Legal Bills.)*

No. 48

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Execution Act.

MR. FLETCHER

BILL

An Act to amend The Execution Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 125, s. 2,
re-enacted.

1. Section 2 of *The Execution Act* is repealed and the following substituted therefor:

Chattels
exempt
from
seizure.

2. The following chattels shall be exempt from seizure under any writ issued out of any court:

- (a) The household furniture, utensils and equipment which are contained in and form part of the permanent home of the debtor, provided that this clause shall not apply to furniture, utensils or equipment purchased for defeating the claims of creditors and provided further that in the case of a writ issued upon a judgment given upon a claim for clothing, food, fuel or shelter supplied for the debtor or his family the exemption under this clause shall be limited to household furniture, utensils and equipment not exceeding in value \$200;
- (b) The necessary and ordinary wearing apparel of the debtor and his family;
- (c) In the case of a debtor other than a person engaged in the tillage of the soil or farming, such food as the debtor actually has in his possession for the purposes of consumption by himself and his family and in the case of a person engaged in the tillage of the soil or farming, such food as is necessary for consumption by himself and his family until the next harvest whether such food is in consumable state or requires to be milled, slaughtered or otherwise processed;

- (d) Such fuel as is within the debtor's home;
- (e) Live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$600;
- (f) In the case of a person engaged solely in farming or the tillage of the soil, sufficient seed to seed all his land under cultivation, not exceeding one hundred acres, as selected by the debtor and fourteen bushels of potatoes, and where seizure is made between the 1st day of October and the 30th day of April, such food and bedding as is necessary to feed and bed the live stock and fowl which are exempt under this section until the 30th day of April next following.

2. Section 3 of *The Execution Act* is repealed and the following substituted therefor: Rev. Stat., c. 125, s. 3, re-enacted.

3. The debtor may, in lieu of the chattels referred to in clause *e* of section 2, elect to receive the proceeds of the sale thereof up to \$600, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$600, or if the same exceed \$600, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause *e*. Right of debtor to part proceeds of sale of implements.

3. Section 4 of *The Execution Act* is amended by striking out the word and letter "clause *f*" in the first line and inserting in lieu thereof the word and letter "clause *e*", so that the said section shall now read as follows: Rev. Stat., c. 125, s. 4, amended.

4. The sum to which a debtor is entitled, under clause *e* of section 2, or under section 3, shall be exempt from attachment or seizure at the instance of a creditor. Money derived from sale of exempted goods.

4. Section 7 of *The Execution Act* is repealed and the following substituted therefor: Rev. Stat., c. 125, s. 7, re-enacted.

7. Nothing herein contained shall exempt any article including fuel, except beds, bedding and bedsteads (including cradles) in ordinary use by the debtor and his family and the necessary and ordinary wearing apparel of the debtor and his family, from seizure to satisfy a debt contracted for such article. Beds and wearing apparel exempt.

5. This Act may be cited as *The Execution Amendment Act, 1942*. Short title.

BILL

An Act to amend The Execution Act.

1st Reading

April 2nd, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 15th, 1942

MR. FLETCHER

No. 49

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Landlord and Tenant Act.

MR. FLETCHER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 49

1942

BILL

An Act to amend The Landlord and Tenant Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 219, s. 29,
amended. **1.** Section 29 of *The Landlord and Tenant Act* is amended by adding thereto the following subsection:

Limitation
on household
effects.

- (4) The household furniture, utensils and equipment exempt under this section shall be limited to such furniture, utensils and equipment not exceeding a total value of \$500 as the person claiming the exemption may select and point out.

Short title. **2.** This Act may be cited as *The Landlord and Tenant Amendment Act, 1942*.

EXPLANATORY NOTE

This Bill is complementary to Bill No. 48, *An Act to amend The Execution Act.*

BILL

An Act to amend The Landlord
and Tenant Act.

1st Reading

April 2nd, 1942

2nd Reading

3rd Reading

MR. FLETCHER

No. 50

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Mortgages Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 50

1942

BILL

An Act to amend The Mortgages Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 155,
s. 17a
(1939, c. 28,
s. 1)
amended.

1. Section 17a of *The Mortgages Act* as enacted by section 1 of *The Mortgages Amendment Act, 1939*, is amended by adding thereto the following subsection:

When no
action may
be brought.

- (4) In any indenture of mortgage made on or after the 1st day of March, 1942, where it is expressly stated therein that it is a building mortgage upon which advances are to be made as the building progresses or upon the completion of the building, no action may be brought by the mortgagee whereby to recover payment from the mortgagor of the whole or any part of the moneys therein secured, in the event that such mortgagor shall have effected a *bona fide* sale of the property and shall have conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify the mortgagor with respect to the said mortgage, after five years from the date of the registration of the conveyance to the said grantee; provided that this subsection shall not apply where the mortgagor occupied the premises for not less than one year.

Short title.

2. This Act may be cited as *The Mortgages Amendment Act, 1942*.

EXPLANATORY NOTE

The Bill regulates the liability of mortgagors with reference to mortgages on buildings built for sale.

BILL

An Act to amend The Mortgages Act.

1st Reading

April 7th, 1942

2nd Reading

3rd Reading

MR. STRACHAN

No. 50

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Mortgages Act.

MR. STRACHAN


(Reprinted as amended by the Committee on Legal Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mortgages Act.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 1. *The Mortgages Act* is amended by adding thereto the following section:

When no
action may
be brought.

17b.—(1) In any building mortgage made on or after the 1st day of July, 1942, wherein it is expressly stated to be a building mortgage made pursuant to this section, no action may be brought by the mortgagee after the expiration of one year from the date of the maturity of the said mortgage whereby to recover payment from the person who executed the said mortgage, of the whole or any part of the moneys therein secured, in the event that such person shall have made a *bona fide* sale of the property and shall have conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify such person with respect to the said mortgage.

"building
mortgage"
defined.

(2) In this section "building mortgage" shall mean any mortgage made for the purpose of financing the construction of a building. 

Short title.

2. This Act may be cited as *The Mortgages Amendment Act, 1942*.

EXPLANATORY NOTE

The Bill regulates the liability of mortgagors with reference to mortgages on buildings built for sale.

BILL

An Act to amend The Mortgages Act.

1st Reading

April 7th, 1942

2nd Reading

April 8th, 1942

3rd Reading

MR. STRACHAN

*(Reprinted as amended by the Committee
on Legal Bills.)*

No. 50

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Mortgages Act.

MR. STRACHAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mortgages Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following section:

When no
action may
be brought.

17b.—(1) In any building mortgage made on or after the 1st day of July, 1942, wherein it is expressly stated to be a building mortgage made pursuant to this section, no action may be brought by the mortgagee after the expiration of one year from the date of the maturity of the said mortgage whereby to recover payment from the person who executed the said mortgage, of the whole or any part of the moneys therein secured, in the event that such person shall have made a *bona fide* sale of the property and shall have conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify such person with respect to the said mortgage.

"Building
mortgage"
defined.

(2) In this section "building mortgage" shall mean any mortgage made for the purpose of financing the construction of a building.

Short title.

2. This Act may be cited as *The Mortgages Amendment Act, 1942*.

BILL

An Act to amend The Mortgages Act.

1st Reading

April 7th, 1942

2nd Reading

April 8th, 1942

3rd Reading

April 15th, 1942

MR. STRACHAN

No. 51

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

 An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
amended.

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Cross-
walk",
meaning of.

(bb) "Crosswalk" shall mean that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway.

Rev. Stat.,
c. 288, s. 39,
subs. 2,
cls. c, d,
amended.

2. Subsection 2 of section 39 of *The Highway Traffic Act* is amended by inserting after the word "entering" where it occurs in the fifth line of clause *c* and in the sixth line of clause *d*, the words "the nearest crosswalk at", so that the said clauses shall now read as follows:

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering the nearest crosswalk at such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop;

(d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the nearest crosswalk at the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the

EXPLANATORY NOTES

SECTION 1. Defines "crosswalk" as being that part of the highway ordinarily used as a crossing for pedestrians at an intersection.

SECTION 2. Requires vehicles approaching an intersection where a red or amber signal-light is displayed, to be brought to a stop before entering the nearest crosswalk.

intersection, it may be driven cautiously across the intersection.

Number
plate.

3.—(1) Notwithstanding any of the provisions of *The Highway Traffic Act* a motor vehicle shall not be required to have a number plate attached to or exposed on the front thereof.

Commence-
ment of s. 3.

(2) This section shall come into force on a day to be named by the Lieutenant-Governor by his proclamation and shall continue in force until a day to be named by the Lieutenant-Governor by his further proclamation.

Commence-
ment of
ss. 1, 2.

4. Sections 1 and 2 shall come into force on the 1st day of July, 1942.

Short title.

5. This Act may be cited as *The Highway Traffic Amendment Act, 1942*.

SECTION 3. Dispenses with the necessity of displaying a number plate on the front of a motor vehicle. This section comes into force on a day to be named by the Lieutenant-Governor by his proclamation and its operation will be terminated in the same manner.

SECTION 4. Provides that the provisions of sections 1 and 2 of the Bill shall come into force on the 1st day of July, 1942.

An Act to amend The Highway
Traffic Act.

1st Reading

April 7th, 1942

2nd Reading

3rd Reading

MR. McQUESTEN

No. 51

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 1,
subs. 1,
amended.

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Cross-
walk",
meaning of.

(bb) "Crosswalk" shall mean that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway.

Rev. Stat.,
c. 288, s. 39,
subs. 2,
cls. c, d,
amended.

2. Subsection 2 of section 39 of *The Highway Traffic Act* is amended by inserting after the word "entering" where it occurs in the fifth line of clause *c* and in the sixth line of clause *d*, the words "the nearest crosswalk at", so that the said clauses shall now read as follows:

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering the nearest crosswalk at such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop;

(d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the nearest crosswalk at the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the

intersection, it may be driven cautiously across the intersection.

3.—(1) Notwithstanding any of the provisions of *The* ^{Number plate.} *Highway Traffic Act* a motor vehicle shall not be required to have a number plate attached to or exposed on the front thereof.

(2) This section shall come into force on a day to be named ^{Commence-} by the Lieutenant-Governor by his proclamation and shall ^{ment of s. 3.} continue in force until a day to be named by the Lieutenant-Governor by his further proclamation.

4. Sections 1 and 2 shall come into force on the 1st day of ^{Commence-} July, 1942. ^{ment of} ss. 1, 2.

5. This Act may be cited as *The Highway Traffic Amend-* ^{Short title.} *ment Act, 1942.*

BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 7th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. McQUESTEN

No. 52

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Medical and Surgical care of the Residents of
St. Joseph's Island.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Medical and Surgical care of the Residents of St. Joseph's Island.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"inhabi-
tant";

(a) "inhabitant" shall mean a person who ordinarily resides in a municipality;

"municipi-
palities".

(b) "municipalities" shall mean the townships of Jocelyn, Hilton and St. Joseph and the village of Hilton Beach.

Question
to be
submitted
to electors.

2.—(1) The council of any of the municipalities may, on any polling day for the election of members of council, submit to a vote of the municipal electors the following question:

Are you in favour of the council of this municipality entering into an arrangement with the councils of other municipalities located on St. Joseph's Island providing for the medical and surgical care of the inhabitants of the said municipalities, payment therefor to be provided in such manner as may be determined by the said councils with the approval of the Minister of Health for Ontario?

Affirmative
vote.

(2) If not less than two-thirds of the municipal electors voting on the question in any of the municipalities vote in the affirmative thereon, section 3 shall apply to the council of such municipality.

By-laws
authorizing
agreement.

3.—(1) Subject to section 2, the councils of the municipalities or of any two or more of them may pass by-laws authorizing the entering into of an agreement or agreements providing for the medical and surgical care of the inhabitants thereof including,—

EXPLANATORY NOTE

The Bill authorizes the councils of the four municipalities comprising St. Joseph's Island to enter into an agreement or agreements to provide for the medical and surgical care of the inhabitants. Before entering into such an agreement with the councils of other municipalities each council must submit a question to the municipal electors and receive the assent of two-thirds of those voting, as indicated in section 2. Any agreement entered into may cover the various matters and details indicated in section 3 but every such agreement must be approved by the Minister of Health. Section 4 vests in the various councils special taxing authority for the purpose of raising the amounts required under any such agreement.

- (a) the engagement of a duly qualified medical practitioner;
- (b) the amount of the remuneration of such medical practitioner calculated upon a monthly, yearly or other basis, and the payment thereof;
- (c) the apportionment among such municipalities of the amount of such remuneration upon such basis as may be deemed equitable;
- (d) the manner of raising by taxation or otherwise the amount of the remuneration to be paid by each of such municipalities;
- (e) the term of the agreement and provisions for the termination and extension thereof; and
- (f) such other matters as may require to be determined in connection with any plan providing for the medical and surgical care of the said inhabitants.

Approval of
agreement.

(2) Any agreement entered into under this section shall not become operative until approved in writing by the Minister of Health.

Raising
necessary
funds.

4. For the purpose of carrying out the provisions of any agreement entered into under this Act or of raising the amount of remuneration required to be paid by it, the council of a municipality may levy and collect,—

- (a) a poll tax from every male and female inhabitant of the municipality who is twenty-one years or over and is not the owner of property assessed in the municipality;
- (b) a special rate on all the rateable property within the municipality; or
- (c) both a poll tax as provided by clause *a* and a special rate as provided by clause *b*.

Short title.

5. This Act may be cited as *The St. Joseph's Island Act, 1942*.

BILL

An Act respecting the Medical and Surgical
 care of the Residents of St. Joseph's
 Island.

1st Reading

April 7th, 1942

2nd Reading

3rd Reading

MR. KIRBY

No. 52

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act respecting the Medical and Surgical care of the Residents of
St. Joseph's Island.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Medical and Surgical care of the Residents of St. Joseph's Island.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"inhabi-
tant";

(a) "inhabitant" shall mean a person who ordinarily resides in a municipality;

"muni-
cipalities".

(b) "municipalities" shall mean the townships of Jocelyn, Hilton and St. Joseph and the village of Hilton Beach.

Question
to be
submitted
to electors.

2.—(1) The council of any of the municipalities may, on any polling day for the election of members of council, submit to a vote of the municipal electors the following question:

Are you in favour of the council of this municipality entering into an arrangement with the councils of other municipalities located on St. Joseph's Island providing for the medical and minor surgical care of the inhabitants of the said municipalities, payment therefor to be provided in such manner as may be determined by the said councils with the approval of the Minister of Health for Ontario?

Affirmative
vote.

(2) If not less than two-thirds of the municipal electors voting on the question in any of the municipalities vote in the affirmative thereon, section 3 shall apply to the council of such municipality.

By-laws
authorizing
agreement.

3.—(1) Subject to section 2, the councils of the municipalities or of any two or more of them may pass by-laws authorizing the entering into of an agreement or agreements providing for the medical and minor surgical care of the inhabitants thereof including,—

- (a) the engagement of a duly qualified medical practitioner;
- (b) the amount of the remuneration of such medical practitioner calculated upon a monthly, yearly or other basis, and the payment thereof;
- (c) the apportionment among such municipalities of the amount of such remuneration upon such basis as may be deemed equitable;
- (d) the manner of raising by taxation or otherwise the amount of the remuneration to be paid by each of such municipalities;
- (e) the defining of "minor surgical care";
- (f) the term of the agreement and provisions for the termination and extension thereof; and
- (g) such other matters as may require to be determined in connection with any plan providing for the medical and minor surgical care of the said inhabitants.

(2) Any agreement entered into under this section shall not become operative until approved in writing by the Minister of Health. Approval of agreement.

4. For the purpose of carrying out the provisions of any agreement entered into under this Act or of raising the amount of remuneration required to be paid by it, the council of a municipality may levy and collect,— Raising necessary funds.

- (a) a poll tax from every male and female inhabitant of the municipality who is twenty-one years or over and is not the owner of property assessed in the municipality;
- (b) a special rate on all the rateable property within the municipality; or
- (c) both a poll tax as provided by clause *a* and a special rate as provided by clause *b*.

5. This Act may be cited as *The St. Joseph's Island Act*, Short title.
1942.

BILL

An Act respecting the Medical and Surgical
care of the Residents of St. Joseph's
Island.

1st Reading

April 7th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. KIRBY

No. 53

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Plant Diseases Act.

MR. DEWAN

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 346, s. 8,
re-enacted.

1. Section 8 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Recovery of
charges.

8. Any charges payable under this Act or the regulations may be recovered as a debt in any court of competent jurisdiction or may be collected from the municipality in which the charges were incurred and when the clerk of any such municipality receives notice certified to by the Provincial Entomologist or the Director as to the amount of charges payable, the name of the person entitled to such amount, the name of the person by whom the amount is due and a description of the lands in respect of which such charges were incurred, the treasurer of the municipality shall forthwith pay such amount to the person entitled thereto and the clerk of the municipality shall enter the amount upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same manner as municipal taxes are collected.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Plant Diseases Amendment Act, 1942*.

EXPLANATORY NOTE

The amendment provides for payment by the municipality of the charges incurred under the Act or the regulations. The clerk of the municipality then enters such charges upon the tax collector's roll against the lands affected and the amount is collected in the same manner as municipal taxes.

BILL

An Act to amend The Plant
Diseases Act.

1st Reading

April 8th, 1942

2nd Reading

3rd Reading

MR. DEWAN

No. 53

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Plant Diseases Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 53

1942

BILL

An Act to amend The Plant Diseases Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 346, s. 8,
re-enacted.

1. Section 8 of *The Plant Diseases Act* is repealed and the following substituted therefor:

Recovery of
charges.

8. Any charges payable under this Act or the regulations may be recovered as a debt in any court of competent jurisdiction or may be collected from the municipality in which the charges were incurred and when the clerk of any such municipality receives notice certified to by the Provincial Entomologist or the Director as to the amount of charges payable, the name of the person entitled to such amount, the name of the person by whom the amount is due and a description of the lands in respect of which such charges were incurred, the treasurer of the municipality shall forthwith pay such amount to the person entitled thereto and the clerk of the municipality shall enter the amount upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same manner as municipal taxes are collected.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Plant Diseases Amendment Act, 1942*.

BILL

An Act to amend The Plant
Diseases Act.

1st Reading

April 8th, 1942

2nd Reading

April 10th, 1942

3rd Reading

April 14th, 1942

MR. DEWAN

No. 54

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Fatal Accidents Act.

MR. ELGIE

TORONTO
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No. 54

1942

BILL

An Act to amend The Fatal Accidents Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 210, s. 3,
amended.

1. Section 3 of *The Fatal Accidents Act* is amended by adding thereto the following subsection:

Funeral
expenses.

(1a) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$125 for necessary expenses of the burial of the deceased and not exceeding \$125 for necessary expenses for transportation and things supplied and services rendered in connection therewith necessitated by the transfer of the body of the deceased from the place of death to the place of interment.

Short title.

2. This Act may be cited as *The Fatal Accidents Amendment Act, 1942*.

EXPLANATORY NOTE

The amendment provides that in an action brought under *The Fatal Accidents Act* damages may be awarded in respect of the funeral expenses of the deceased provided such expenses have been incurred by the parties for whose benefit the action is brought.

BILL

An Act to amend The Fatal
Accidents Act.

1st Reading

April 9th, 1942

2nd Reading

3rd Reading

MR. ELGIE

No. 55

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Cheese and Hog Subsidy Act, 1942.

MR. DEWAN

No. 55

1942

BILL

The Cheese and Hog Subsidy Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1941, c. 11,
continued
in force.

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, all the other provisions of the said Act shall continue in force and have effect until the 31st day of March, 1943.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1942, and shall remain in force and have effect until the 31st day of March, 1943.

Short title.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1942*.

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1943.

BILL

The Cheese and Hog Subsidy Act, 1942.

1st Reading

April 9th, 1942

2nd Reading

3rd Reading

MR. DEWAN

No. 55

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Cheese and Hog Subsidy Act, 1942.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 55

1942

BILL

The Cheese and Hog Subsidy Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1941, c. 11,
continued
in force.

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, all the other provisions of the said Act shall continue in force and have effect until the 31st day of March, 1943.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1942, and shall remain in force and have effect until the 31st day of March, 1943.

Short title.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1942*.

BILL

The Cheese and Hog Subsidy Act, 1942.

1st Reading

April 9th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. DEWAN

No. 56

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 56

1942

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 335, s. 1,
amended.

1. Section 1 of *The Dog Tax and Live Stock Protection Act* is amended by adding thereto the following clause:

"Poultry"
defined.

(e) "Poultry" shall mean domestic chickens, ducks, geese and turkeys and the young of any of them.

Rev. Stat.,
c. 335,
amended.

2. *The Dog Tax and Live Stock Protection Act* is amended by adding thereto the following section:

By-law to
include
poultry.

10a. The council of a local municipality may pass a by-law providing that where poultry owned by any person is damaged or injured by any dog within such municipality to the amount of fifty pounds or more, the provisions of this Act respecting live stock shall apply to such poultry.

Short title.

3. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1942*.

EXPLANATORY NOTE

SECTION 1. Defines poultry.

SECTION 2. This amendment extends the application of the Act respecting live stock to poultry.

BILL

An Act to amend The Dog Tax and
Live Stock Protection Act.

1st Reading

April 10th, 1942

2nd Reading

3rd Reading

MR. DEWAN

No. 56

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 56

1942

BILL

An Act to amend The Dog Tax and Live Stock Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 335, s. 1,
amended.

1. Section 1 of *The Dog Tax and Live Stock Protection Act* is amended by adding thereto the following clause:

"Poultry"
defined.

(e) "Poultry" shall mean domestic chickens, ducks, geese and turkeys and the young of any of them.

Rev. Stat.,
c. 335,
amended.

2. *The Dog Tax and Live Stock Protection Act* is amended by adding thereto the following section:

By-law to
include
poultry.

10a. The council of a local municipality may pass a by-law providing that where poultry owned by any person is damaged or injured by any dog within such municipality to the amount of fifty pounds or more, the provisions of this Act respecting live stock shall apply to such poultry.

Short title.

3. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1942*.

BILL

An Act to amend The Dog Tax and
Live Stock Protection Act.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. DEWAN

No. 57

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Securities Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Securities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 265, s. 24,
re-enacted.

1. Section 24 of *The Securities Act* is repealed and the following substituted therefor:

Duties
of auditor.

24.—(1) Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position at such date of the business and affairs of each person or company allotted to him, and shall also make such further audit and prepare such further statements and make such further reports as the exchange auditor may deem advisable or as the executive committee may direct, and no warning or notice shall in any way be given of any audit other than that of the permanent date.

Furnishing
information
to auditor.

(2) Notwithstanding anything contained in subsection 1 every person or company being a member of or represented upon any stock exchange shall furnish to the exchange auditor on two separate dates in each year fixed by the executive committee a completed statement in the form approved by the Commission; provided that the first statement shall be furnished on a date not earlier than four months from the permanent date in each year mentioned in subsection 1, and the second statement shall be furnished not later than nine months from the said permanent date.

Penalty.

(3) Any person or company being a member of or represented upon any stock exchange who violates any of the provisions of, or who furnishes any false information in the statement required by subsection 2, shall be guilty of an offence against this Act and

EXPLANATORY NOTES

SECTION 24 of *The Securities Act* provides that the business and affairs of a person or company, a member of or represented upon any stock exchange, shall be audited twice in each year.

The purpose of this Bill is to amend section 24 to provide that one audit shall take place in each year and in addition thereto such persons or companies are required to file a statement or questionnaire not earlier than four months and not later than nine months from the date of the fixed audit.

The cost of two statutory audits is very great and the investing public are safeguarded by having one fixed audit and the two questionnaires.

in addition to any penalty which may be imposed, registration of such person or company may be suspended or cancelled by the Commission.

Short title. **2.** This Act may be cited as *The Securities Amendment Act, 1942.*

BILL

An Act to amend The Securities Act.

1st Reading

April 10th, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 57

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Securities Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Securities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 265, s. 24,
re-enacted.

1. Section 24 of *The Securities Act* is repealed and the following substituted therefor:

Duties
of auditor.

24.—(1) Every brokers' auditor shall in each year audit the assets and liabilities as at a permanent date in each year fixed by the executive committee and prepare a balance sheet showing the position at such date of the business and affairs of each person or company allotted to him, and shall also make such further audit and prepare such further statements and make such further reports as the exchange auditor may deem advisable or as the executive committee may direct, and no warning or notice shall in any way be given of any audit other than that of the permanent date.

Furnishing
information
to auditor.

(2) Notwithstanding anything contained in subsection 1 every person or company being a member of or represented upon any stock exchange shall furnish to the exchange auditor on two separate dates in each year fixed by the executive committee a completed statement in the form approved by the Commission; provided that the first statement shall be furnished on a date not earlier than four months from the permanent date in each year mentioned in subsection 1, and the second statement shall be furnished not later than nine months from the said permanent date.

Penalty.

(3) Any person or company being a member of or represented upon any stock exchange who violates any of the provisions of, or who furnishes any false information in the statement required by subsection 2, shall be guilty of an offence against this Act and

in addition to any penalty which may be imposed, registration of such person or company may be suspended or cancelled by the Commission.

2. This Act may be cited as *The Securities Amendment* Short title.
Act, 1942.

BILL

An Act to amend The Securities Act.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

1942

No. 58

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Escheats Act, 1942.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Escheats Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpre-
tation,—

1. In this Act,—

"heir";

(a) "heir" shall mean a person beneficially entitled to real or personal property of an intestate; and

"property".

(b) "property" shall include real and personal property.

Proceedings
by for re-
covery of
property.

2.—(1) Where any property has become the property of the Crown by reason of the person last seised thereof or entitled thereto having died intestate and without lawful heirs, or has become forfeited for any cause to the Crown, the Public Trustee may cause possession thereof to be taken in the name of the Crown, or if possession is withheld may cause an action to be brought for the recovery thereof, without an inquisition being first made.

Practice.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of property.

Grant of
forfeited
property in
recognition
of moral
claim,

3. The Lieutenant-Governor in Council may grant any property which has become the property of or has become forfeited to the Crown as hereinbefore mentioned, or any part thereof, or any interest therein, to any person for the purpose of transferring or restoring the same to any person having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council may seem meet

or of
deceased's
intention,

or reward to
informant.

Rights of
grantee.

4. Any such grant may be made without actual entry or taking possession of such property or inquisition being first made, and, if possession of the property is withheld, the person

EXPLANATORY NOTES

This Bill replaces the present *Escheats Act*. It is similar in form and effect but extends the provisions of the present Act to personal as well as real property.

SECTION 1. This is an interpretation section.

SECTIONS 2 to 5 correspond to the present sections 1 to 4 respectively.

to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof.

Release or
waiver of
forfeiture.

5. Where any such forfeiture takes place the Lieutenant-Governor in Council may waive or release any right to which the Crown may thereby have become entitled, so as to vest the property, either absolutely or otherwise, in the person who would have been entitled thereto but for the forfeiture, and the waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council may seem meet.

Sale of
real estate.

6.—(1) Where possession of any real estate or interest therein has been taken by the Public Trustee under the provisions of this Act, the Lieutenant-Governor in Council may direct the sale of such real estate at such price and upon such terms as may be determined, and the Public Trustee shall thereupon be authorized to sell, in accordance with the directions of the Order-in-Council, the whole or any part of such real estate or any interest therein and to convey the same to the purchaser.

Sale of
personal
estate.

(2) Where possession of any personal estate has been taken by the Public Trustee under the provisions of this Act the Public Trustee may sell such personal estate at such price and upon such terms as to him may seem meet.

Rev. Stat.,
c. 148,
repealed.

7. *The Escheats Act*, being chapter 148 of the Revised Statutes of Ontario, 1937, is repealed.

Short title.

8. This Act may be cited as *The Escheats Act, 1942*.

SECTION 6 clarifies the powers of the Public Trustee to dispose of property which has become vested in the Crown.

BILL

The Escheats Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

No. 58

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL
The Escheats Act, 1942.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Escheats Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpre-
tation,—

1. In this Act,—

“heir”;

(a) “heir” shall mean a person beneficially entitled to real or personal property of an intestate; and

“property”.

(b) “property” shall include real and personal property.

Proceedings
by for re-
covery of
property.

2.—(1) Where any property has become the property of the Crown by reason of the person last seised thereof or entitled thereto having died intestate and without lawful heirs, or has become forfeited for any cause to the Crown, the Public Trustee may cause possession thereof to be taken in the name of the Crown, or if possession is withheld may cause an action to be brought for the recovery thereof, without an inquisition being first made.

Practice.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of property.

Grant of
forfeited
property in
recognition
of moral
claim.

3. The Lieutenant-Governor in Council may grant any property which has become the property of or has become forfeited to the Crown as hereinbefore mentioned, or any part thereof, or any interest therein, to any person for the purpose of transferring or restoring the same to any person having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council may seem meet.

or of
deceased's
intention,

or reward to
informant.

Rights of
grantee.

4. Any such grant may be made without actual entry or taking possession of such property or inquisition being first made, and, if possession of the property is withheld, the person

to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof.

5. Where any such forfeiture takes place the Lieutenant-Governor in Council may waive or release any right to which the Crown may thereby have become entitled, so as to vest the property, either absolutely or otherwise, in the person who would have been entitled thereto but for the forfeiture, and the waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council may seem meet.

Release or
waiver of
forfeiture.

6.—(1) Where possession of any real estate or interest therein has been taken by the Public Trustee under the provisions of this Act, the Lieutenant-Governor in Council may direct the sale of such real estate at such price and upon such terms as may be determined, and the Public Trustee shall thereupon be authorized to sell, in accordance with the directions of the Order-in-Council, the whole or any part of such real estate or any interest therein and to convey the same to the purchaser.

Sale of
real estate.

(2) Where possession of any personal estate has been taken by the Public Trustee under the provisions of this Act the Public Trustee may sell such personal estate at such price and upon such terms as to him may seem meet.

Sale of
personal
estate.

7. *The Escheats Act*, being chapter 148 of the Revised Statutes of Ontario, 1937, is repealed.

Rev. Stat.,
c. 148,
repealed.

8. This Act may be cited as *The Escheats Act, 1942*.

Short title.

BILL

The Escheats Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

1942

No. 59

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Mortgagors' and Purchasers' Relief Act, 1942.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Mortgagors' and Purchasers' Relief Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17;
1941, c. 34.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, or *The Mortgagors' and Purchasers' Relief Act, 1941*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1943.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1942*.

EXPLANATORY NOTE

The operation of *The Mortgagors' and Purchasers' Relief Act, 1933*, is extended until the 30th day of June, 1943.

The Mortgagees' and Purchasers' Relief Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 59

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Mortgagors' and Purchasers' Relief Act, 1942.

MR. CONANT

TORONTO
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No. 59

1942

BILL

The Mortgagors' and Purchasers' Relief Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17;
1941, c. 34.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, or *The Mortgagors' and Purchasers' Relief Act, 1941*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1943.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1942*.

NT FO

BILL

The Mortgagees' and Purchasers'
Relief Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

No. 60

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Statute Law Amendment Act, 1942.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141,
amended.

1.—(1) *The Administration of Justice Expenses Act* is amended by adding thereto the following section:

Fees and
expenses.

14a. Except as otherwise provided, in any matter concerning the administration of justice the fees and expenses set out in Schedule D to this Act shall be paid, upon the certificate or approval of the official therein indicated, in the first instance by the county, unless the county gaol is owned and maintained by a city, in which case the fees in respect of cases arising within the city limits shall be paid in the first instance by the city and so far as they relate to cases arising in the county without the limits of the city, shall be paid in the first instance by the county and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund three-fifths of such fees and expenses.

Rev. Stat.
c. 141,
amended.

(2) *The Administration of Justice Expenses Act* is amended by adding thereto Schedule D which appears as a schedule to this Act.

Rev. Stat.,
c. 226,
amended.

2. *The Anatomy Act* is amended by adding thereto the following section:

Shipment
of body.

15a. No person shall accept for shipment or ship a dead body from any place within Ontario to any place outside of Ontario unless a certificate of a coroner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

Rev. Stat.,
c. 272, s. 113,
subs. 10,
cl. a (1941,
c. 5, s. 5)
repealed.

3.—(1) Clause *a* of subsection 10 of section 113 of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1941*, is repealed.

EXPLANATORY NOTES

SECTION 1. There is at present no statutory provision for paying for a medical scientific or other examination or analysis in connection with the administration of justice. Schedules A, B and C of the Act set out the fees to be paid to officers of the court only.

This amendment provides that the Province and the municipalities share the expenses of such matters irrespective of whether there is a prosecution or not and whether the offence is summary or indictable.

The fees that can be paid for the various examinations and analyses are set out in Schedule "D" of this Act, and the Province pays three-fifths.

SECTION 2. The proposed section prevents the shipment of a dead body from any place in Ontario to any place outside of Ontario except under the certificate of a coroner. A provision in *The Cemetery Act* provides that no body shall be cremated without a coroner's certificate as to the cause of death first having been obtained. However, under the existing law it is possible to ship a body to a town outside of Ontario for the purpose of cremation. The proposed section will remedy this situation.

SECTION 3.—(1) This amendment will permit the fixing of different penalty days where cycle billing is in effect.

Effective
date.

(2) Subsection 1 shall have effect from and after the 1st day of January, 1942.

Rev. Stat.,
c. 312, s. 10,
amended.

4. Section 10 of *The Children's Protection Act* is amended by adding thereto the following subsection:

Relief of
certain
municipal-
ities.

(10) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city or town the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make special grants by way of provincial aid, to relieve in whole or in part such municipality from the burden.

Rev. Stat.,
c. 251,
amended.

5. *The Companies Act* is amended by adding thereto the following section:

"Wasting
assets",—
definition.

17a.—(1) In this section "wasting assets" shall mean assets the use of which is a depletion of natural resources.

Purchase
of capital
stock.

(2) A company, at least fifty per centum in value of the assets of which are wasting assets, may use and apply its surplus or any part thereof in the purchase and acquisition of its own capital stock.

Rev. Stat.,
c. 138, s. 7,
subss. 1, 2,
amended.

6.—(1) Section 7 of *The Coroners Act* is amended by striking out the word "undertaker" where it occurs in the first line of subsection 1 and the second line of subsection 2 and inserting in lieu thereof the words "funeral director".

Rev. Stat.,
c. 138, s. 19,
subs. 2,
amended.

(2) Subsection 2 of section 19 of *The Coroners Act* is amended by inserting after the words "Crown attorney" in the second line the words "or the supervising coroner", so that the said subsection shall now read as follows:

When con-
sent to
post mortem
required.

(2) A *post mortem* examination shall not be made without the consent in writing of the Crown attorney or the supervising coroner unless an inquest is actually held.

Rev. Stat.,
c. 138,
amended.

(3) *The Coroners Act* is amended by adding thereto the following section:

Summons
to juror
or witness.

39a. A summons to a juror or to a witness may be served by personal service or by sending it by prepaid registered mail to the last or most usual place of abode of the person summoned.

Rev. Stat.,
c. 103,
ss. 12, 13,
amended.

7.—(1) Sections 12 and 13 of *The County Courts Act* are amended by striking out the word "Tuesday" wherever it

(2) Self-explanatory.

SECTION 4. Self-explanatory.

SECTION 5. The amendment permits certain companies, the assets of which are in the nature of wasting assets, to purchase its own stock out of surplus.

SECTION 6—Subsection 1. The amendment eliminates the use of the word "undertaker" and substitutes therefor the term "funeral director" which is the term used in the Act governing the practice of that profession.

Subsection 2. Where no inquest is held a *post mortem* examination may be made only with the consent of the Crown Attorney. The amendment permits such an examination to be made with the consent of the supervising coroner.

Subsection 3. The amendment permits a summons to a witness or juror for attendance at a coroner's inquest to be served by prepaid registered mail. This method is permitted as an alternative and does not interfere with the right to serve the summons by personal service which is the present practice.

SECTION 7. Sections 12 and 13 of *The County Courts Act* provide that the various county and district courts shall open at the times therein specified. Under the present provisions the opening day in each case is Tuesday. The amendment provides for the opening of each court on a Monday.

occurs in the said sections and inserting in lieu thereof the word "Monday".

Commence-
ment of
subs. 1.

(2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat.,
c. 137, s. 11,
repealed.

8. Section 11 of *The Crown Attorneys Act* is repealed.

Rev. Stat.,
c. 142,
amended.

9. *The Crown Witnesses Act* is amended by adding thereto the following section:

Fees and
expenses
where
evidence
taken by
commission.

15. Where any commission has issued to take the evidence of any witness, the fees and expenses incurred in and by the issue of such commission and the taking of such evidence shall be paid in the same manner as witness fees, upon the certificate of the Attorney-General, the Deputy Attorney-General or the Crown attorney.

Rev. Stat.,
c. 356, s. 5,
amended.

10. Section 5 of *The Department of Education Act* is amended by adding thereto the following clause:

Periodic
medical
examination
of teachers.

(mm) subject to the regulations, to require all teachers to submit periodically to medical examination.

Rev. Stat.,
c. 214, s. 10,
amended.

11. Section 10 of *The Dependants' Relief Act* is amended by striking out all the words after the word "intestate" in the fifth line, so that the said section shall now read as follows:

Limit of
amount or
value of
allowance.

10. Subject to the provisions of section 8 the amount or value of any allowance ordered to be paid shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate.

Rev. Stat.,
c. 107, s. 30,
subs. 2,
amended.

12.—(1) Subsection 2 of section 30 of *The Division Courts Act* is amended by inserting after the word "bailiff" in the second line the words "and of necessary stationery and stationery supplies", so that the said subsection shall now read as follows:

Cost of
division
court books,
forms, etc.

(2) The costs of all books and forms, required by this Act to be kept by the clerk and bailiff, and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the inspector.

Rev. Stat.,
c. 107, s. 41,
subs. 4,
amended.

(2) Subsection 4 of section 41 of *The Division Courts Act* is amended by inserting before the word "fees" in the first line the word "gross", so that the said subsection shall now read as follows:

SECTION 8. This section is no longer used and its repeal renders the Act consistent with established practice.

SECTION 9. Provision is made for payment of the fees and expenses incurred where evidence is taken by commission.

SECTION 10. The proposed clause provides that it shall be the duty of the Minister of Education and that he shall have power, subject to the regulations, to require all teachers to submit periodically to a medical examination.

SECTION 11. This amendment brings the Act into line with the 1941 amendments to *The Devolution of Estates Act* which substantially increased the rights of the widow of a man dying intestate without issue.

SECTION 12—Subsection (1). Under the present subsection a county is required to furnish division court equipment, books and forms. Generally this is considered to include stationery and stationery supplies. The amendment clarifies the meaning of the subsection.

Subsection 2. The amendment removes doubt as to the meaning of the subsection and renders it consistent with established practice.

Fees.

- (4) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court.

Rev. Stat.,
c. 384, s. 2,
subs. 2,
amended.

13.—(1) Subsection 2 of section 2 of *The Female Refuges Act* is amended by striking out the words “an industrial school” in the first line and inserting in lieu thereof the words “a training school”, so that the said subsection shall now read as follows:

Commitment
of females
of training
schools.

- (2) An inmate of a training school for girls may be transferred on warrant signed by the inspector to an industrial refuge, there to be detained for the unexpired portion of the term of imprisonment to which she was sentenced or committed.

Rev. Stat.,
c. 384, s. 15,
amended.

(2) Section 15 of *The Female Refuges Act* is amended by adding thereto the following subsections:

Appeal to
the Court
of Appeal.

- (5) Any order made under this Act shall be subject to an appeal to the Court of Appeal.

Rev. Stat.,
c. 136 to
apply.

- (6) Except as otherwise provided herein, *The Summary Convictions Act* shall apply to proceedings under this Act.

Rev. Stat.,
c. 329, s. 12,
subs. 1,
re-enacted.

14. Subsection 1 of section 12 of *The Fire Marshals Act* is repealed and the following substituted therefor:

Fund for
expenses of
Fire
Marshal.

Rev. Stat.,
c. 256.

- (1) Every person, syndicate, reciprocal exchange or corporation transacting the business of fire insurance within the meaning of *The Insurance Act*, shall, in addition to the taxes now required by law to be paid, pay to the Treasurer of Ontario on or before the 30th day of April in each year, an amount not exceeding one-third of one per centum calculated upon the gross premiums, fixed payments and assessments received during the preceding year in respect of fire insurance business transacted in Ontario excluding,—

(a) premiums returned,

(b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario, and

SECTION 13—Subsection 1. In 1939, by *The Training Schools Act*, industrial schools became training schools. The necessity for this amendment is therefore self-explanatory.

Subsection (2). In the present Act there is no provision for arrest, detention, remand, bail, summoning of witnesses, or appeal. This amendment makes applicable the provisions of *The Summary Convictions Act* with regard to these matters, and provides for an appeal to the Court of Appeal.

SECTION 14. This amendment to *The Fire Marshals Act* is made necessary by reason of the Dominion-Provincial Tax Agreement. All taxes under *The Fire Marshals Act* will be collected on the basis of returns made under *The Insurance Act* as returns are no longer made in the ordinary course under *The Corporations Tax Act*. Also, the present section gives the taxing method only in general terms while in recasting the new section the established practice is set out by specifically mentioning syndicates and reciprocal exchanges and detailing the basis of calculating the tax. The new section also prescribes the date on or before which the tax shall be paid.

- (c) the cash value of dividends paid or credited to policy holders by mutual insurance companies and reciprocal exchanges,

as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*.

Rev. Stat.,
c. 104, s. 3,
subss.
1, 4, 5, 6,
amended.

15.—(1) Subsections 1, 4, 5 and 6 of section 3 of *The General Sessions Act* are amended by striking out the word “Tuesday” wherever it occurs in the said subsections and inserting in lieu thereof the word “Monday”.

Commence-
ment of
subss. 1.

(2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat.,
c. 360, s. 25,
cl. c,
amended.

16. Clause *c* of section 25 of *The High Schools Act* is amended by adding at the end thereof the words “but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941”, so that the said clause shall now read as follows:

Dental and
medical
inspection.

- (c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941.

Rev. Stat.,
c. 1, s. 29,
cl. k,
amended.

17.—(1) Clause *k* of section 29 of *The Interpretation Act* is amended by inserting after the word “stead” in the fourth line the words “or to act in his stead”, so that the said clause shall now read as follows:

Words
authorizing
appointment
include
power to
remove.

- (k) words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, reappointing him or appointing another in his stead or to act in his stead, from time to time in the discretion of the authority in whom the power of appointment is vested.

Rev. Stat.,
c. 1, s. 29,
amended.

(2) The said section 29 is further amended by adding thereto the following clause:

Words
authorizing
appointment
include
power to
appoint
deputy.

- (n) words authorizing the appointment of any public officer or functionary or the appointment of any person to administer any Act shall include the power of appointing a deputy to perform and have all the powers and authority of such public officer or functionary or person to be exercised in such manner and upon such occasions as may be specified in the instrument appointing him or such limited

SECTION 15. The present section provides for the opening of the courts of general sessions on the days specified in the section. Each opening day is a Tuesday. The amendment provides for the opening of each court on a Monday.

SECTION 16. The power of a board of high school trustees to provide for medical and dental inspection of pupils is discontinued. Such services may be provided by the local board of health. The amendment does not interfere with existing arrangements.

SECTION 17. Subsection 1. The amendment permits the appointment of a person to act in the stead of a public officer or functionary or deputy without removing the public officer, functionary or deputy from the office or position which he holds.

Subsection 2. Self-explanatory.

powers and authority as the instrument may prescribe.

Commence-
ment of
section.

(3) This section shall have effect as from the 1st day of July, 1941.

Rev. Stat.,
c. 100,
amended.

18.—(1) *The Judicature Act* is amended by adding thereto the following section:

"Labour
dispute",
defined.

16a.—(1) In this section "labour dispute" shall mean any dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by such employee or employees or as to the privileges, rights, duties or condition of employment of such employee or employees.

Interim
injunction.

(2) An *ex parte* interim injunction to restrain any person from doing any act in connection with any labour dispute shall not be for a longer period than four days.

Rev. Stat.,
c. 100, s. 106,
subs. 1d,
(1941, c. 24,
s. 3, subs. 2)
amended.

(2) Subsection 1d of section 106 of *The Judicature Act* as enacted by subsection 2 of section 3 of *The Judicature Amendment Act, 1941*, is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three", so that the said subsection shall now read as follows:

Tenure
of office.

(1d) Each of the members of the Rules Committee appointed under clauses *a*, *b* and *e* of subsection 1 shall hold office for a period of three years and shall be eligible for reappointment.

Rev. Stat.,
c. 100, s. 106,
amended.

(3) The said section 106 is further amended by adding thereto the following subsection:

Vacancy
in office.

(1dd) In case of the resignation, death or inability to act of any member appointed under clauses *a*, *b* or *e* of subsection 1, the Chief Justice of Ontario, Attorney-General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Rev. Stat.,
c. 269, s. 63,
amended.

19.—(1) Section 63 of *The Local Improvement Act* is amended by adding thereto the following clause:

(c) the construction of sewage treatment works.

Rev. Stat.,
c. 269, s. 64,
subs. 1,
amended.

(2) Subsection 1 of section 64 of *The Local Improvement Act* is amended by inserting after the word "sewer" in the ninth

SECTION 18—Subsection 1. Under the present practice where an injunction order is made *ex parte* no time limit is set for the duration of the order. In practice however, the judges of the Supreme Court follow the limitation of eight days set by the Rules of Practice as the maximum time for which a county court judge may grant an *ex parte* injunction. The amendment provides that where the injunction is to prevent the doing of anything in connection with any labour dispute the maximum period shall be four days.

Subsection 2. The present provision of *The Judicature Act* provides that certain members of the Rules Committee (the seven judges of the Supreme Court, the two judges of the county or district courts, and the three barristers or solicitors appointed by the Benchers of the Law Society) shall hold office for five years. The amendment provides that the term shall be three years instead of five.

Subsection 3. The proposed subsection 1*dd* provides for the appointment of a member of the Rules Committee to fill a vacancy caused by the resignation, death or inability to act of any member of the Committee.

SECTION 19. The amendments provide for the construction of sewage treatment works by townships and villages.

line the words "sewage treatment works", so that the said subsection shall now read as follows:

Assessment
of cost of
works for
benefit
of defined
areas.

- (1) The council of a village or township may in the by-law for undertaking any work as a local improvement, define a section or area in the village or township and may provide that that part of the cost which would otherwise be the corporation's portion, together with such part as to the council may seem proper of what would otherwise be the owners' portion shall be assessed and levied on the whole rateable property in such defined section or area, and where the work is the construction of a watermain, sewer, sewage treatment works, sidewalk, curb or pavement and the petition for the work so requests, may also provide that the whole cost of the work including that part which would otherwise be the corporation's portion of the cost shall be specially assessed upon the lots fronting or abutting on the work.

Rev. Stat.,
c. 197, s. 4,
subs. 1,
amended.

20. Subsection 1 of section 4 of *The Master and Servant Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Complaints
by servants
for non-
payment of
wages.

- (1) Upon the complaint upon oath of a servant or labourer against his master or employer concerning any non-payment of wages a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$200, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress.

Rev. Stat.,
c. 197, s. 8,
subs. 1,
amended.

21. Subsection 1 of section 8 of *The Master and Servant Act* is amended by striking out the symbol and figures "\$100" in

SECTIONS 20 and 21. *The Master and Servant Act* provides simple machinery for the collection of wages by bringing the employer before a justice of the peace who may make an order for payment not exceeding \$100. The amendment increases the limit from \$100 to \$200.

the last line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Jurisdiction
of magis-
trate in
cities.

Rev. Stat.,
c. 200.

- (1) In the case of wages due to any mechanic, labourer or other person in respect of work of the character mentioned in section 5 of *The Mechanics' Lien Act* the jurisdiction of a magistrate of a city under this Act shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$200.

Rev. Stat.,
c. 200,
amended.

22. *The Mechanics' Lien Act* is amended by adding thereto the following section:

Contract
price a
trust fund.

- 2a. All sums received by a builder or contractor or a sub-contractor on account of the contract price shall be and constitute a trust fund in the hands of the builder or contractor, or of the sub-contractor, as the case may be, for the benefit of the proprietor, builder or contractor, sub-contractors, Workmen's Compensation Board, workmen and persons who have supplied material on account of the contract, and the builder or contractor or the sub-contractor, as the case may be, shall be the trustee of all such sums so received by him, and until all workmen and all persons who have supplied material on the contract and all sub-contractors are paid for work done or material supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto, may not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Rev. Stat.,
c. 47, s. 160,
(1939, c. 27,
s. 21)
amended.

23.—(1) Section 160 of *The Mining Act* as re-enacted by section 21 of *The Mining Amendment Act, 1939*, is amended by adding thereto the following rule:

Building
fires
prohibited.

- (5a) No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire fighting equipment has been provided.

Rev. Stat.,
c. 47, s. 186,
subs. 3,
(1939, c. 27,
s. 29)
amended.

(2) Subsection 3 of section 186 of *The Mining Act* as enacted by section 29 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "leased" in the seventh line the words "or patented" and by inserting after the word "provided" in the eleventh line the words "in the case of lease only", so that the said subsection shall now read as follows:

SECTION 22. The proposed section creates a trust fund of all moneys advanced to a building contractor or sub-contractor on account of the contract price for the benefit of workmen, material men and other parties set out in the proposed section. Any building contractor who commits a breach of this trust will be guilty of a criminal offence by virtue of section 390 of the *Criminal Code*.

SECTION 23—Subsection 1. Self-explanatory.

Subsections 2 and 3. These amendments permit an extension of time for performing and filing proof of work done on mining claims under *The Mines Act* of 1897. In many cases this work was done twenty or thirty years ago but the present owners meet with difficulty in finding a person who can now take the required affidavit of work done.

Minister
may extend
time.

- (3) Notwithstanding anything contained in *The Mines Act* being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased or patented under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided, in the case of lease only, that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 186,
amended.

- (3) The said section 186 is further amended by adding thereto the following subsection:

Proof of
work per-
formed.

- (4) Upon proof of the required work being submitted within such extended time, the Minister may issue a certificate in accordance with the facts and such certificate may be registered in the proper registry or land titles office.

Rev. Stat.,
c. 155, s. 10,
subs. 7,
amended.

- 24.** Subsection 7 of section 10 of *The Mortgages Act* is amended by inserting after the word "death" in the third line the words "or where in any other case it appears that all money due upon the mortgage has been paid", so that the said subsection shall now read as follows:

Death of
mortgagee—
order for
discharge.

- (7) When a mortgagee has died and all money due upon the mortgage was paid to him in his lifetime or has been paid to a person entitled to receive the same after his death or where in any other case it appears that all money due upon the mortgage has been paid and for any reason a discharge or reconveyance cannot be obtained without undue delay and expense the court may make an order discharging the mortgage.

Rev. Stat.,
c. 172,
repealed.

- 25.—**(1) *The Mortgage Tax Act* is repealed.

Commence-
ment of
subs. 1.

- (2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Rev. Stat.,
c. 49, s. 1,
cl. c, re-
enacted.

- 26.—**(1) Clause *c* of section 1 of *The Natural Gas Conservation Act* is repealed and the following substituted therefor:

"Natural
gas".

- (c) "Natural gas" shall include any mixture of natural gas and artificial gas.

SECTION 24. The present subsection permits the court to discharge a mortgage in certain circumstances where all money due has been paid but a discharge cannot be obtained. The provision is extended to include other circumstances where the court deems it proper to order a discharge.

SECTION 25. Self-explanatory.

SECTION 26, SUBSECTION 1. The definition of "natural gas" is altered so as to include any mixture of natural gas and artificial gas for the purposes of *The Natural Gas Conservation Act*.

Rev. Stat.,
c. 49,
amended.

(2) *The Natural Gas Conservation Act* is amended by adding thereto the following section:

Application
of Act to
artificial
gas.

30. The provisions of this Act, including the power to make orders and regulations, shall apply to the transmission, distribution, use and rates chargeable for any artificial gas which may be produced at any plant designated by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 193, s. 3,
cl. b,
repealed.

27. Clause *b* of section 3 of *The One Day's Rest in Seven Act* is repealed.

Rev. Stat.,
c. 189, s. 3,
re-enacted.

28. Section 3 of *The Partnership Registration Act* is repealed and the following substituted therefor:

When
declaration
to be filed.

3. Every declaration under this Act shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, within sixty days of the time when the name or designation is first used, provided that a judge of a county or district court may extend the period for filing upon being satisfied by affidavit or affidavits, which shall be filed with the declaration, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

Rev. Stat.,
c. 62, s. 13,
subs. 1,
amended.

29. Subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the words "of the Dominion of Canada or" in the third and fourth lines, so that the said subsection shall now read as follows:

Investment
of funds in
Government
securities.

- (1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Province of Ontario, or in securities guaranteed by the Province of Ontario.

Rev. Stat.,
c. 390, s. 4,
amended.

30. Section 4 of *The Public Hospitals Act* is amended by adding thereto the following clause:

Ex officio
members of
the board.

- (cc) providing that certain persons shall be *ex officio* members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established.

Rev. Stat.,
c. 380, s. 4,
subs. 2, re-
enacted.

31. Subsection 2 of section 4 of *The Public Institutions Inspection Act* is repealed and the following substituted therefor:

Subsection 2. As artificial gas is now being produced to supplement and in some cases replace natural gas, in order to effectively regulate and control the supply and use of natural gas, it is necessary to exercise some control over certain supplies of artificial gas as provided by the proposed section.

SECTION 27. The Act applies in cities and towns having a population of 10,000 or over and requires every person employed in a hotel business, restaurant or cafe to have at least twenty-four consecutive hours of rest in every seven days. Section 3 exempts from the Act the following persons:

- (a) watchmen, janitors, superintendents or foremen;
- (b) any class of employees in any other capacity in any such hotel business, restaurant or cafe where there are not more than two employees of such class;
- (c) employees who are not employed for more than five hours in any one day.

The amendment brings the persons mentioned in clause *b* within the Act.

SECTION 28. The amendment permits a county court judge to extend the time for filing a partnership declaration, in proper circumstances.

SECTION 29. Self-explanatory.

SECTION 30. It is the practice to have the president of the medical staff of a hospital as an *ex officio* member of the board of directors or governors. Many hospitals have not made provision for this in their letters patent. This amendment gives the Lieutenant-Governor in Council power to make regulations for the appointment of *ex officio* members of the board.

SECTION 31. Inspectors of other branches of the service who are specialists in their line are empowered to assist the Minister.

Powers of
inspector.

- (2) An inspector appointed under any other Act may, when authorized by the Minister, exercise the powers conferred by subsection 1 in respect to any penal and reformatory institution.

Rev. Stat.,
c. 33, s. 3,
subss. 2, 3,
repealed.

32.—(1) Subsections 2 and 3 of section 3 of *The Public Lands Act* are repealed.

Rev. Stat.,
c. 33, s. 3,
subs. 4,
amended.

- (2) Subsection 4 of the said section 3 is amended by striking out the words "Each of the Deputy Ministers" at the commencement thereof and inserting in lieu thereof the words "The Deputy Minister", so that the said subsection shall now read as follows:

Oath of
office.

- (4) The Deputy Minister shall before entering upon his duties take and subscribe an oath faithfully to discharge the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Rev. Stat.,
c. 33,
amended.

- (3) *The Public Lands Act* is amended by adding thereto the following section:

Surveyor
General.

- 3a. There shall be an officer of the Department to be known as the Surveyor General, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister.

Rev. Stat.,
c. 33, s. 41,
amended.

33. Section 41 of *The Public Lands Act* is amended by striking out the word "within" in the second line and inserting in lieu thereof the word "without", so that the section shall now read as follows:

When
patent
may issue
before three
years.

41. If a person entitled to obtain a location under the provisions of this Part has, without objection by the Crown, for a period of four years or more occupied and has made the prescribed improvements upon one or more lots, not exceeding in quantity that which may be granted under this Part, before the land was opened for location as free grant land, or if the land was open for location, and has so occupied and improved the land but through inadvertence or oversight has not been located for it, the Minister, if satisfied that the land is not chiefly valuable for its pine trees, subject to the regulations, may, after location under this Part, direct the issue of the letters patent upon proof of the performance of the

SECTION 32. The office of Deputy Minister of Forestry is abolished and the Surveyor General is made an officer of the Department.

SECTION 33. Self-explanatory.

prescribed settlement duties and without waiting for the expiration of three years from the date of the location.

Rev. Stat.,
c. 18, s. 8,
amended.

34. Section 8 of *The Public Officers' Fees Act* is amended by adding thereto the following subsection:

Fees and
emolu-
ments,—
meaning of.

(5) In this section the expression "fees and emoluments" shall mean gross fees and emoluments.

Rev. Stat.,
c. 166,
amended.

35. *The Public Trustee Act* is amended by adding thereto the following section:

Investment
of funds in
Government
securities.

5a. All monies invested by the Public Trustee shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it.

Rev. Stat.,
c. 326, s. 2,
amended.

36. Section 2 of *The Railway Fire Charge Act* is amended by adding thereto the following subsection:

Tenants of
railway
lands
acquired by
Crown.

(2) Subject to the provisions of section 4, the tenant of any railway lands heretofore or hereafter acquired by the Crown shall pay the annual charge fixed under the provisions of subsection 1.

Rev. Stat.,
c. 170, s. 51,
subs. 1,
amended.

37.—(1) Subsection 1 of section 51 of *The Registry Act* is amended by striking out the words "and of the full age of twenty-one years" in the fifth and sixth lines, so that the said subsection shall now read as follows:

Affidavit or
declaration
as to con-
dition of
grantor.

(1) Where a conveyance or mortgage is made by a man and no one joins therein as his wife it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, unmarried, or a widower, as the case may be.

Rev. Stat.,
c. 170, s. 51,
subs. 1a
(1939, c. 40,
s. 5, subs. 1)
re-enacted.

(2) Subsection 1a of the said section 51 as enacted by subsection 1 of section 5 of *The Registry Amendment Act, 1939*, and amended by section 2 of *The Registry Amendment Act, 1941*, is repealed and the following substituted therefor:

Affidavit
or declara-
tion as to
marriage.

(1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration of such man or of the person joining therein as his wife deposing or declaring that they are legally married to each other.

SECTION 34. The amendment removes doubt as to the meaning of the section and renders it consistent with established practice.

SECTION 35. Self-Explanatory.

SECTION 36. The proposed subsection places a direct obligation upon the tenant of railway lands to pay the charges imposed by *The Railway Fire Charge Act*.

SECTION 37—Subsection (1). Subsection 1*b* of section 51 of *The Registry Act* requires proof of age in all necessary cases and renders the provision for proof of age in subsection 1 of section 51 no longer necessary.

Subsection (2). This amendment requires that where any instrument set out in the subsection is made by a man and someone joins therein as his wife, before the instrument can be registered it shall have made on it or attached to it an affidavit or declaration deposing or declaring that they are legally married, to each other. Formerly such an affidavit was required only where the wife joined to bar her dower. The words "to each other" are added for clarity.

Rev. Stat.,
c. 170, s. 51,
amended.

(3) The said section 51 is amended by adding thereto the following subsection:

Affidavit or
declaration
as to age.

(1b) No conveyance or mortgage shall be tendered for registration unless there be made on or securely attached to it an affidavit or statutory declaration of each grantor or mortgagor to the effect that he is of the full age of twenty-one years, but this subsection shall not apply to a conveyance or mortgage by the Public Trustee or other person dealing with land in an official capacity.

Rev. Stat.,
c. 170, s. 51,
subs. 2,
amended.

(4) Subsection 2 of the said section 51, as amended by subsection 2 of section 5 of *The Registry Amendment Act, 1939*, is further amended by inserting after the figure and letter "1a" inserted by the amendment of 1939, the word, figure and letter "or 1b", so that the said subsection shall now read as follows:

Dispensing
with affi-
davit or
declaration.

(2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 or 1a or 1b cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

Rev. Stat.,
c. 170, s. 51,
subs. 4,
amended.

(5) Subsection 4 of the said section 51 is amended by inserting after the word "section" in the first line the words and letter "except subsection 1b", so that the said subsection shall now read as follows:

Application
of section.

(4) This section, except subsection 1b, shall not apply to a conveyance made in pursuance of power of sale contained in a mortgage, a conveyance or mortgage from a man wherein his wife is the grantee or mortgagee or one of them and is described as his wife therein, a conveyance or mortgage by persons who are the registered owners of the lands as trustees or as joint tenants or as holding the same as partnership property or under power of appointment, provided they are so described in the conveyance of the land to them, or to a mortgage of leasehold lands, or to a conveyance or mortgage made by an executor or administrator or a trustee under a will or by the Public Trustee or other person dealing with land in an official capacity.

Subsection (3). Under the section as it at present exists no proof of age is required from a woman who makes a conveyance or mortgage or upon a man who makes a conveyance or mortgage in any of the cases set out in subsection 4 of section 51 of the Act. The addition of this new subsection provides for proof of age of a person who makes a conveyance or mortgage in all necessary cases.

Subsection (4). Subsection 2 is made to apply to the new subsection 1*b*.

Subsection (5). Subsection 1*b* is excepted from subsection 4 so that proof of age as required by subsection 1*b* will be required in all necessary cases.

Rev. Stat.,
c. 170, s. 111,
subs. 3,
amended.

(6) Subsection 3 of section 111 of *The Registry Act* is amended by striking out all the words after the word "office" in the fourth line, so that the said subsection shall now read as follows:

Where office
held by
more than
one person
during year.

(3) Where more than one person has held the office in any calendar year, each of such persons shall pay an aliquot part of the percentage payable for the year, based upon the portion of the year during which he was in office.

Rev. Stat.,
c. 170, s. 123,
subs. 2,
repealed.

(7) Subsection 2 of section 123 of *The Registry Act* is repealed.

Rev. Stat.,
c. 17, s. 38,
repealed.

38. Section 38 of *The Sheriffs Act* as amended by section 3 of *The Sheriffs Amendment Act, 1941*, is repealed.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. b,
amended.

39.—(1) Clause *b* of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by striking out all the words after the word "Ontario" in the fourth line, so that the said clause shall now read as follows:

(*b*) any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work solely in Ontario.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. d,
amended.

(2) Clause *d* of subsection 1 of the said section 4 is amended by striking out all the words after the word "determine" in the eighth line, so that the said clause shall now read as follows:

(*d*) that portion of any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work both in and outside Ontario as is in the same ratio to the whole that its expenditures for carrying on its work in Ontario bear to its total expenditures during such period as the Treasurer may determine.

Rev. Stat.,
c. 106, s. 30,
subs. 5,
(1940, c. 28,
s. 25)
repealed.

40. Subsection 5 of section 30 of *The Surrogate Courts Act* as enacted by section 25 of *The Statute Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 366, s. 2,
amended.

41. Section 2 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

Security
for bank
loans.

(6a) The Treasurer of Ontario, as custodian of the Fund may, at the request of the Minister, arrange for a

Subsection 6. The two bases of apportioning fees prescribed by the section are inconsistent. The amendment eliminates the proportion of fees earned as a basis for the apportionment and leaves the period of holding office as the sole basis.

Subsection 7. In view of the repeal of *The Mortgage Tax Act* by section 25 of this Bill, this subsection is no longer necessary.

SECTION 38. As a similar provision is contained in Schedule A to *The Administration of Justice Expenses Act*, the section is unnecessary.

SECTION 39. Under the present law legacies for religious, charitable or educational purposes are exempt from duty under *The Succession Duty Act, 1939*, to the extent of fifty per centum of the net value of the estate proper. The amendment permits the whole of any such legacy to be exempt.

SECTION 40. The prohibition against issuing probate or letters of administration without the written consent of the Treasurer of Ontario is dispensed with.

SECTION 41. The subsection provides for the furnishing of security for loans to the Teachers' and Inspectors' Superannuation Fund from chartered banks.

chartered bank of Canada to advance to the Fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the Fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the Fund, or both.

Election of
Chancellor
and Senate
postponed.

42. Notwithstanding any provision contained in *The University Act* there shall be no election of the Chancellor or of the members of the Senate of the University of Toronto until September, 1944, unless in the meantime a statute is passed by the Senate directing an election either of the Chancellor or of the members of the Senate, or of both.

Rev. Stat.,
c. 88, s. 1,
cl. j,
re-enacted.

43.—(1) Clause *j* of section 1 of *The Vital Statistics Act* is repealed and the following substituted therefor:

"Funeral
director or
embalmer",
defined.

(j) "Funeral director or embalmer" shall include every person who engages in the burial of a body of a deceased person.

Rev. Stat.,
c. 88, s. 9,
amended.

(2) Section 9 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the first line and inserting in lieu thereof the words "funeral director or embalmer".

Rev. Stat.,
c. 88, s. 41,
amended.

(3) Section 41 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the second line and inserting in lieu thereof the words "funeral director or embalmer".

Rev. Stat.,
c. 204, s. 105,
amended.

44. Section 105 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Amendment Act, 1939*, is amended by striking out the words "in which a trustee may by law invest trust monies" in the seventh line and inserting in lieu thereof the words "issued by the Province of Ontario or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows:

Formation
of reserves.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it

SECTION 42. Self-explanatory.

SECTION 43. The amendments eliminate the use of the word "undertaker" and substitute therefor the expression "funeral director or embalmer" which are the terms used in the Act governing the practice of that profession.

SECTION 44. Self-explanatory.

Rev. Stat.,
c. 72.

or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Compensation for
lands expropriated,—
election
as to who
shall determine.

45. Notwithstanding anything in any general or special Act, where land or other property has been expropriated under the authority of any general or special Act all claims for compensation or damages by reason of such expropriation shall, where the expropriating body so elects by notice in writing, be heard and determined by the Ontario Municipal Board, and where such election is made sections 28, 30, 31, 32 and 36 of *The Public Works Act* shall, except as otherwise provided in the Act authorizing the expropriation, *mutatis mutandis* apply.

Rev. Stat.,
c. 54.

Taxation
of houses
built by
War-time
Housing
Limited.

46.—(1) The council of the city of Fort William, Hamilton, Kingston, Oshawa, Peterborough, St. Catharines, Welland, Windsor or Woodstock, or the town of Collingwood, Dundas, Fort Erie, Merriton or Parry Sound, or the township of Grantham, Kingston, McDougall or Stamford may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the assessment and taxation of land and the houses erected thereon by Wartime Housing Limited.

Condition
precedent to
passing of
by-law.

(2) No by-law shall be passed under subsection 1 except with the affirmative vote of three-quarters of all the members of the council.

Termination.

(3) Every such agreement shall continue in force until and terminate on the last day of the calendar year in which hostilities cease completely or substantially between the Dominion of Canada and Germany, Italy and Japan unless sooner terminated pursuant to the terms thereof.

Distribution
of
moneys.

(4) Every such agreement shall provide for the distribution by the council of the moneys payable under the agreement in the same proportion and to the same bodies for which council is required to levy rates as would have been the case if taxes had been levied in the usual way.

Application
to
Municipal
Board.

(5) No such agreement shall be valid or binding upon the parties thereto until approved by the Ontario Municipal Board upon the application of the council concerned, and such application shall be heard and determined in the municipality concerned upon such notice and otherwise as the Board may direct.

SECTION 45. This provision enables the body expropriating land to elect to have the matter of compensation or damages determined by the Municipal Board rather than a county judge.

SECTION 46. This section is required to legalize housing agreements between municipalities and Wartime Housing Limited.

Powers
of Board.

(6) The Ontario Municipal Board may upon an application under subsection 5 approve the agreement and may, before granting its approval, amend or vary the agreement and the agreement when so approved shall be valid and binding upon the parties thereto according to the tenor thereof.

Rev. Stat.,
c. 251, s. 141,
amended.

47.—(1) Section 141 of *The Companies Act* is amended by striking out the words “hereafter incorporated” in the first line thereof.

Rev. Stat.,
c. 251, s. 141,
cl. c, sub-cl.
ii re-enacted;
sub-cl. iii
repealed.

(2) Sub-clauses ii and iii of clause c of section 141 of *The Companies Act* are repealed and the following substituted therefor:

- (ii) division, as the by-laws may provide, of the remaining net surplus funds among the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, either on the basis of the total volume thereof or on the basis of the volume or volumes in respect to the different kinds or classes of commodities purchased from or sold to the corporation by each member or shareholder; provided that, on crediting such distributive amounts or any portion thereof to each member or shareholder, the payment of the amounts so credited may be deferred by the directors and the moneys retained or used for the purposes of the corporation.

Rev. Stat.,
c. 251, s. 147,
re-enacted.

(3) Section 147 of *The Companies Act* is repealed and the following substituted therefor:

Capital in
form of loan
units or
notes.

147. The capital of corporations without share capital may be, either or both, in the form of loan units or in the form of promissory notes, called capital notes, of each member, payable on demand, or joint and several notes signed by each member, payable on demand to the corporation in such amounts and in such manner as the by-laws of the corporation may prescribe.

Rev. Stat.,
c. 251,
amended.

(4) *The Companies Act* is amended by adding thereto the following section:

Loan units.

147a. The by-laws of corporations without share capital may provide that each member shall make a loan or loans to the corporation in such units or amounts as may be specified in the by-laws and that such loan units shall not bear interest, or shall bear interest at a specified rate not exceeding six per centum per annum.

Short title.

48. This Act may be cited as *The Statute Law Amendment Act, 1942*.

SECTION 47.—Subsections 1 and 2. The effect of these amendments is to enable co-operative corporations to retain in any year all or any part of the profits or surplus funds to be used for any of its purposes. Monies so retained are credited to the shareholders or members.

Subsections 3 and 4. The effect of this amendment is to permit capital of co-operative corporations without share capital to be in the form of loan units.

SCHEDULE

to The Statute Law Amendment Act, 1942.

SCHEDULE D

TO THE ADMINISTRATION OF JUSTICE EXPENSES ACT.

1. Upon the certificate of the Attorney-General, or Deputy Attorney-General for the analysis of the viscera of a human being..... \$50.00
2. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of human blood to determine its alcoholic content..... 5.00
3. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of urine to determine its alcoholic content..... 5.00
4. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for a physical examination of any person by a legally qualified medical practitioner 5.00
5. For any other scientific examination or analysis such fee as the Attorney-General or Deputy Attorney-General may in his discretion allow.
6. The living expenses while absent from home of the person making any examination referred to in items 1, 2, 3, 4 and 5 of this Schedule shall be paid upon the like certificate at the sums reasonably and actually paid and travelling expenses going to and returning from the place of such examination, but not to exceed first class railway fare.
7. Upon the certificate of the official empowered to authorize such analysis or examination, the expenses of conveying such material to the place where the analysis or examination is to be performed, actual expenses not exceeding per mile. . .08

BILL

The Statute Law Amendment Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

3rd Reading

MR. CONANT

1942

No. 60

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Statute Law Amendment Act, 1942.

MR. CONANT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60.

1942.

BILL

The Statute Law Amendment Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141,
amended.

1.—(1) *The Administration of Justice Expenses Act* is amended by adding thereto the following section:

Fees and
expenses.

14a. Except as otherwise provided, in any matter concerning the administration of justice the fees and expenses set out in Schedule D to this Act shall be paid, upon the certificate or approval of the official therein indicated, in the first instance by the county, unless the county gaol is owned and maintained by a city, in which case the fees in respect of cases arising within the city limits shall be paid in the first instance by the city and so far as they relate to cases arising in the county without the limits of the city, shall be paid in the first instance by the county and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund three-fifths of such fees and expenses.

Rev. Stat.
c. 141,
amended.

(2) *The Administration of Justice Expenses Act* is amended by adding thereto Schedule D which appears as a schedule to this Act.

Rev. Stat.,
c. 226,
amended.

2. *The Anatomy Act* is amended by adding thereto the following section:

Shipment
of body.

15a. No person shall accept for shipment or ship a dead body from any place within Ontario to any place outside of Ontario unless a certificate of a coroner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

Rev. Stat.,
c. 272, s. 113,
subs. 10,
cl. a (1941,
c. 5, s. 5)
repealed.

3.—(1) Clause *a* of subsection 10 of section 113 of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1941*, is repealed.

(2) Subsection 1 shall have effect from and after the 1st ^{Effective} day of January, 1942. ^{date.}



4.—(1) Section 57a of *The Assessment Act*, as enacted by ^{Rev. Stat.,} section 2 of *The Assessment Amendment Act, 1941*, is repealed ^{c. 272,} and the following substituted therefor: ^{1941, c. 5,} ^{s. 57a¹} ^{re-enacted.}

57a.—(1) The assessor shall, after the return of the ^{Additions} assessment roll, add to the roll the value of any ^{to roll.} building which after the return of the roll has been erected in whole or in part or the value of any building or land which after the return of the roll ceases to be exempt from taxation, and if the person occupying any such building or land is liable for business assessment the assessor shall add the amount thereof to the roll.

(2) Where an addition is made to the roll under this ^{Amount of} section, the amount of the taxes to be levied thereon ^{taxes.} shall be computed by reference to the amount of the taxes which would have been levied for the current year in respect of such building or land if it had been previously assessed and shall be the amount of such taxes that is proportionate to the part of the current year then remaining and shall be entered on the collector's roll and collected in the same manner as if such building or land had been assessed in the usual way.

(3) Where the roll is returned upon which the taxes ^{Idem.} for the following year are levied, the assessor shall add to such roll the value of any such building or land and the amount of the business assessment, if any, and the amount of the taxes thereon for the whole of such year shall be entered on the collector's roll and collected in the same manner as taxes.

(4) Where an addition is made to the roll under this ^{Notice.} section, the assessor shall forthwith deliver or transmit to the person assessed in respect thereof, a notice of assessment and the same rights in respect of appeal shall apply as if such building or land had been assessed in the usual way.

(2) This section shall have effect from and after the 9th ^{Commence-} day of April, 1941. ^{ment of}



^{section,—} ^{retroactive} ^{effect.}

5. Section 10 of *The Children's Protection Act* is amended ^{Rev. Stat.,} by adding thereto the following subsection: ^{c. 312, s. 10,} ^{amended.}

Relief of
certain
municipal-
ities.

- (10) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city or town the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make special grants by way of provincial aid, to relieve in whole or in part such municipality from the burden.

Rev. Stat.,
c. 138, s. 7,
subss. 1, 2,
amended.

- 6.—(1) Section 7 of *The Coroners Act* is amended by striking out the word “undertaker” where it occurs in the first line of subsection 1 and the second line of subsection 2 and inserting in lieu thereof the words “funeral director”.

Rev. Stat.,
c. 138, s. 19,
subs. 2,
amended.

- (2) Subsection 2 of section 19 of *The Coroners Act* is amended by inserting after the words “Crown attorney” in the second line the words “or the supervising coroner”, so that the said subsection shall now read as follows:

When con-
sent to
post mortem
required.

- (2) A *post mortem* examination shall not be made without the consent in writing of the Crown attorney or the supervising coroner unless an inquest is actually held.

Rev. Stat.,
c. 138,
amended.

- (3) *The Coroners Act* is amended by adding thereto the following section:

Summons
to juror
or witness.

- 39a. A summons to a juror or to a witness may be served by personal service or by sending it by prepaid registered mail to the last or most usual place of abode of the person summoned.

Rev. Stat.,
c. 103,
ss. 12, 13,
amended.

- 7.—(1) Sections 12 and 13 of *The County Courts Act* are amended by striking out the word “Tuesday” wherever it occurs in the said sections and inserting in lieu thereof the word “Monday”.

Commence-
ment of
subs. 1.

- (2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat.,
c. 137, s. 11,
repealed.

8. Section 11 of *The Crown Attorneys Act* is repealed.

Rev. Stat.,
c. 142,
amended.

9. *The Crown Witnesses Act* is amended by adding thereto the following section:

Fees and
expenses
where
evidence
taken by
commission.

15. Where any commission has issued to take the evidence of any witness, the fees and expenses incurred in and by the issue of such commission and the taking of such evidence shall be paid in the same manner as witness fees, upon the certificate of the Attorney-General, the Deputy Attorney-General or the Crown attorney.

10. Section 5 of *The Department of Education Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 356, s. 5,
amended.

(mm) subject to the regulations, to require all teachers to submit periodically to medical examination. Periodic
medical
examination
of teachers.

11. Section 10 of *The Dependants' Relief Act* is amended by striking out all the words after the word "intestate" in the fifth line, so that the said section shall now read as follows: Rev. Stat.,
c. 214, s. 10,
amended.

10. Subject to the provisions of section 8 the amount or value of any allowance ordered to be paid shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate. Limit of
amount or
value of
allowance.

12.—(1) Subsection 2 of section 30 of *The Division Courts Act* is amended by inserting after the word "bailiff" in the second line the words "and of necessary stationery and stationery supplies", so that the said subsection shall now read as follows: Rev. Stat.,
c. 107, s. 30,
subs. 2,
amended.

(2) The costs of all books and forms, required by this Act to be kept by the clerk and bailiff, and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the inspector. Cost of
division
court books,
forms, etc.

(2) Subsection 4 of section 41 of *The Division Courts Act* is amended by inserting before the word "fees" in the first line the word "gross", so that the said subsection shall now read as follows: Rev. Stat.,
c. 107, s. 41,
subs. 4,
amended.

(4) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court. Fees.

13.—(1) Subsection 2 of section 2 of *The Female Refuges Act* is amended by striking out the words "an industrial school" in the first line and inserting in lieu thereof the words "a training school", so that the said subsection shall now read as follows: Rev. Stat.,
c. 384, s. 2,
subs. 2,
amended.

(2) An inmate of a training school for girls may be transferred on warrant signed by the inspector to an industrial refuge, there to be detained for the unexpired portion of the term of imprisonment to which she was sentenced or committed. Commitment
of females
of training
schools.

Rev. Stat.,
c. 384, s. 15,
amended. (2) Section 15 of *The Female Refuges Act* is amended by adding thereto the following subsections:

Appeal to
the Court
of Appeal.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal.

Rev. Stat.,
c. 136 to
apply.

(6) Except as otherwise provided herein, *The Summary Convictions Act* shall apply to proceedings under this Act.

Rev. Stat.,
c. 329, s. 12,
subs. 1,
re-enacted.

14. Subsection 1 of section 12 of *The Fire Marshals Act* is repealed and the following substituted therefor:

Fund for
expenses of
Fire
Marshal.

Rev. Stat.,
c. 256.

(1) Every person, syndicate, reciprocal exchange or corporation transacting the business of fire insurance within the meaning of *The Insurance Act*, shall, in addition to the taxes now required by law to be paid, pay to the Treasurer of Ontario on or before the 30th day of April in each year, an amount not exceeding one-third of one per centum calculated upon the gross premiums, fixed payments and assessments received during the preceding year in respect of fire insurance business transacted in Ontario excluding,—

(a) premiums returned,

(b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario, and

(c) the cash value of dividends paid or credited to policy holders by mutual insurance companies and reciprocal exchanges,

as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*.

Rev. Stat.,
c. 104, s. 3,
subss.
1, 4, 5, 6,
amended.

15.—(1) Subsections 1, 4, 5 and 6 of section 3 of *The General Sessions Act* are amended by striking out the word "Tuesday" wherever it occurs in the said subsections and inserting in lieu thereof the word "Monday".

Commence-
ment of
subs. 1.

(2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat.,
c. 360, s. 25,
cl. c,
amended.

16. Clause *c* of section 25 of *The High Schools Act* is amended by adding at the end thereof the words "but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941", so that the said clause shall now read as follows:

- (c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941. Dental and medical inspection.

17.—(1) Clause *k* of section 29 of *The Interpretation Act* is amended by inserting after the word “stead” in the fourth line the words “or to act in his stead”, so that the said clause shall now read as follows: Rev. Stat., c. 1, s. 29, cl. k, amended.

- (*k*) words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, reappointing him or appointing another in his stead or to act in his stead, from time to time in the discretion of the authority in whom the power of appointment is vested. Words authorizing appointment include power to remove.

(2) The said section 29 is further amended by adding thereto the following clause: Rev. Stat., c. 1, s. 29, amended.

- (*n*) words authorizing the appointment of any public officer or functionary or the appointment of any person to administer any Act shall include the power of appointing a deputy to perform and have all the powers and authority of such public officer or functionary or person to be exercised in such manner and upon such occasions as may be specified in the instrument appointing him or such limited powers and authority as the instrument may prescribe. Words authorizing appointment include power to appoint deputy.

(3) This section shall have effect as from the 1st day of July, 1941. Commencement of section.

18.—(1) *The Judicature Act* is amended by adding thereto the following section: Rev. Stat., c. 100, amended.

- 16a.—(1) In this section “labour dispute” shall mean any dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by such employee or employees or as to the privileges, rights, duties or condition of employment of such employee or employees. “Labour dispute”, defined.

- (2) An *ex parte* interim injunction to restrain any person from doing any act in connection with any labour dispute shall not be for a longer period than four days. Interim injunction.

Rev. Stat.,
c. 100, s. 106,
subs. 1d,
(1941, c. 24,
s. 3, subs. 2)
amended.

(2) Subsection 1d of section 106 of *The Judicature Act* as enacted by subsection 2 of section 3 of *The Judicature Amendment Act, 1941*, is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three", so that the said subsection shall now read as follows:

Tenure
of office.

(1d) Each of the members of the Rules Committee appointed under clauses *a*, *b* and *e* of subsection 1 shall hold office for a period of three years and shall be eligible for reappointment.

Rev. Stat.,
c. 100, s. 106,
amended.

(3) The said section 106 is further amended by adding thereto the following subsection:

Vacancy
in office.

(1dd) In case of the resignation, death or inability to act of any member appointed under clauses *a*, *b* or *e* of subsection 1, the Chief Justice of Ontario, Attorney-General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Rev. Stat.,
c. 269, s. 63,
amended.

19.—(1) Section 63 of *The Local Improvement Act* is amended by adding thereto the following clause:

(c) the construction of sewage treatment works.

Rev. Stat.,
c. 269, s. 64,
subs. 1,
amended.

(2) Subsection 1 of section 64 of *The Local Improvement Act* is amended by inserting after the word "sewer" in the ninth line the words "sewage treatment works", so that the said subsection shall now read as follows:

Assessment
of cost of
works for
benefit
of defined
areas.

(1) The council of a village or township may in the by-law for undertaking any work as a local improvement, define a section or area in the village or township and may provide that that part of the cost which would otherwise be the corporation's portion, together with such part as to the council may seem proper of what would otherwise be the owners' portion shall be assessed and levied on the whole rateable property in such defined section or area, and where the work is the construction of a watermain, sewer, sewage treatment works, sidewalk, curb or pavement and the petition for the work so requests, may also provide that the whole cost of the work including that part which would otherwise be the corporation's portion of the cost shall be specially assessed upon the lots fronting or abutting on the work.

20. Subsection 1 of section 4 of *The Master and Servant Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 197, s. 4,
subs. 1,
amended.

- (1) Upon the complaint upon oath of a servant or labourer against his master or employer concerning any non-payment of wages a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$200, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress.

Complaints
by servants
for non-
payment of
wages.

21. Subsection 1 of section 8 of *The Master and Servant Act* is amended by striking out the symbol and figures "\$100" in the last line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 197, s. 8,
subs. 1,
amended.

- (1) In the case of wages due to any mechanic, labourer or other person in respect of work of the character mentioned in section 5 of *The Mechanics' Lien Act* the jurisdiction of a magistrate of a city under this Act shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$200.

Jurisdiction
of magis-
trate in
cities.

Rev. Stat.,
c. 200.

22. *The Mechanics' Lien Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 200,
amended.

- 2a. All sums received by a builder or contractor or a sub-contractor on account of the contract price shall be and constitute a trust fund in the hands of the builder or contractor, or of the sub-contractor, as

Contract
price a
trust fund.

the case may be, for the benefit of the proprietor, builder or contractor, sub-contractors, Workmen's Compensation Board, workmen and persons who have supplied material on account of the contract, and the builder or contractor or the sub-contractor, as the case may be, shall be the trustee of all such sums so received by him, and until all workmen and all persons who have supplied material on the contract and all sub-contractors are paid for work done or material supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto, may not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Rev. Stat.,
c. 47, s. 160,
(1939, c. 27,
s. 21)
amended.

23.—(1) Section 160 of *The Mining Act* as re-enacted by section 21 of *The Mining Amendment Act, 1939*, is amended by adding thereto the following rule:

Building
fires
prohibited.

(5a) No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire fighting equipment has been provided.

Rev. Stat.,
c. 47, s. 186,
subs. 3,
(1939, c. 27,
s. 29)
amended.

(2) Subsection 3 of section 186 of *The Mining Act* as enacted by section 29 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "leased" in the seventh line the words "or patented" and by inserting after the word "provided" in the eleventh line the words "in the case of lease only", so that the said subsection shall now read as follows:

Minister
may extend
time.

(3) Notwithstanding anything contained in *The Mines Act* being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased or patented under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided, in the case of lease only, that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 186,
amended.

(3) The said section 186 is further amended by adding thereto the following subsection:

- (4) Upon proof of the required work being submitted within such extended time, the Minister may issue a certificate in accordance with the facts and such certificate may be registered in the proper registry or land titles office. Proof of work performed.
- 24.** Subsection 7 of section 10 of *The Mortgages Act* is amended by inserting after the word "death" in the third line the words "or where in any other case it appears that all money due upon the mortgage has been paid", so that the said subsection shall now read as follows: Rev. Stat., c. 155, s. 10, subs. 7, amended.
- (7) When a mortgagee has died and all money due upon the mortgage was paid to him in his lifetime or has been paid to a person entitled to receive the same after his death or where in any other case it appears that all money due upon the mortgage has been paid and for any reason a discharge or reconveyance cannot be obtained without undue delay and expense the court may make an order discharging the mortgage. Death of mortgagee—order for discharge.
- 25.—**(1) *The Mortgage Tax Act* is repealed. Rev. Stat., c. 172, repealed.
- (2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his proclamation. Commencement of subs. 1.
- 26.—**(1) Clause *c* of section 1 of *The Natural Gas Conservation Act* is repealed and the following substituted therefor: Rev. Stat., c. 49, s. 1, cl. c, re-enacted.
- (c) "Natural gas" shall include any mixture of natural gas and artificial gas. "Natural gas".
- (2) *The Natural Gas Conservation Act* is amended by adding thereto the following section: Rev. Stat., c. 49, amended.
30. The provisions of this Act, including the power to make orders and regulations, shall apply to the transmission, distribution, use and rates chargeable for any artificial gas which may be produced at any plant designated by the Lieutenant-Governor in Council. Application of Act to artificial gas.
- 27.** Clause *b* of section 3 of *The One Day's Rest in Seven Act* is repealed. Rev. Stat., c. 193, s. 3, cl. b, repealed.
- 28.** Section 3 of *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 3, re-enacted.
3. Every declaration under this Act shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, When declaration to be filed.

within sixty days of the time when the name or designation is first used, provided that a judge of a county or district court may extend the period for filing upon being satisfied by affidavit or affidavits, which shall be filed with the declaration, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

Rev. Stat.,
c. 62, s. 13,
subs. 1,
amended.

29. Subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the words "of the Dominion of Canada or" in the third and fourth lines, so that the said subsection shall now read as follows:

Investment
of funds in
Government
securities.

- (1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Province of Ontario, or in securities guaranteed by the Province of Ontario.

Rev. Stat.,
c. 390, s. 4,
amended.

30. Section 4 of *The Public Hospitals Act* is amended by adding thereto the following clause:

Ex officio
members of
the board.

- (cc) providing that certain persons shall be *ex officio* members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established.

Rev. Stat.,
c. 380, s. 4,
subs. 2, re-
enacted.

31. Subsection 2 of section 4 of *The Public Institutions Inspection Act* is repealed and the following substituted therefor:

Powers of
inspector.

- (2) An inspector appointed under any other Act may, when authorized by the Minister, exercise the powers conferred by subsection 1 in respect to any penal and reformatory institution.

Rev. Stat.,
c. 33, s. 3,
subss. 2, 3,
repealed.

32.—(1) Subsections 2 and 3 of section 3 of *The Public Lands Act* are repealed.

Rev. Stat.,
c. 33, s. 3,
subs. 4,
amended.

(2) Subsection 4 of the said section 3 is amended by striking out the words "Each of the Deputy Ministers" at the commencement thereof and inserting in lieu thereof the words "The Deputy Minister", so that the said subsection shall now read as follows:

Oath of
office.

- (4) The Deputy Minister shall before entering upon his duties take and subscribe an oath faithfully to discharge the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(3) *The Public Lands Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 33,
amended.

3a. There shall be an officer of the Department to be known as the Surveyor General, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister.

Surveyor
General.

33. Section 41 of *The Public Lands Act* is amended by striking out the word "within" in the second line and inserting in lieu thereof the word "without", so that the section shall now read as follows:

Rev. Stat.,
c. 33, s. 41,
amended.

41. If a person entitled to obtain a location under the provisions of this Part has, without objection by the Crown, for a period of four years or more occupied and has made the prescribed improvements upon one or more lots, not exceeding in quantity that which may be granted under this Part, before the land was opened for location as free grant land, or if the land was open for location, and has so occupied and improved the land but through inadvertence or oversight has not been located for it, the Minister, if satisfied that the land is not chiefly valuable for its pine trees, subject to the regulations, may, after location under this Part, direct the issue of the letters patent upon proof of the performance of the prescribed settlement duties and without waiting for the expiration of three years from the date of the location.

When
patent
may issue
before three
years.

34. Section 8 of *The Public Officers' Fees Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 18, s. 8,
amended.

(5) In this section the expression "fees and emoluments" shall mean gross fees and emoluments.

Fees and
emolu-
ments,—
meaning of.

35. *The Public Trustee Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 166,
amended.

5a. All monies invested by the Public Trustee shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it.

Investment
of funds in
Government
securities.

36. Section 2 of *The Railway Fire Charge Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 326, s. 2,
amended.

Tenants of
railway
lands
acquired by
Crown.

- (2) Subject to the provisions of section 4, the tenant of any railway lands heretofore or hereafter acquired by the Crown shall pay the annual charge fixed under the provisions of subsection 1.

Rev. Stat.,
c. 170, s. 111,
subs. 3,
amended.

- 37.**—(1) Subsection 3 of section 111 of *The Registry Act* is amended by striking out all the words after the word "office" in the fourth line, so that the said subsection shall now read as follows:

Where office
held by
more than
one person
during year.

- (3) Where more than one person has held the office in any calendar year, each of such persons shall pay an aliquot part of the percentage payable for the year, based upon the portion of the year during which he was in office.

Rev. Stat.,
c. 170, s. 123,
subs. 2,
repealed.

- (2) Subsection 2 of section 123 of *The Registry Act* is repealed.

Commence-
ment of
subs. 2.

- (3) Subsection 2 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Rev. Stat.,
c. 17, s. 38,
repealed.

- 38.** Section 38 of *The Sheriffs Act* as amended by section 3 of *The Sheriffs Amendment Act, 1941*, is repealed.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. b,
amended.

- 39.**—(1) Clause *b* of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by striking out all the words after the word "Ontario" in the fourth line, so that the said clause shall now read as follows:

- (b) any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work solely in Ontario.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. d,
amended.

- (2) Clause *d* of subsection 1 of the said section 4 is amended by striking out all the words after the word "determine" in the eighth line, so that the said clause shall now read as follows:

- (d) that portion of any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work both in and outside Ontario as is in the same ratio to the whole that its expenditures for carrying on its work in Ontario bear to its total expenditures during such period as the Treasurer may determine.

Rev. Stat.,
c. 106, s. 30,
subs. 5,
(1940, c. 28,
s. 25)
repealed.

- 40.** Subsection 5 of section 30 of *The Surrogate Courts Act* as enacted by section 25 of *The Statute Law Amendment Act, 1940*, is repealed.

41. Section 2 of *The Teachers' and Inspectors' Super-annuation Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 366, s. 2,
amended.

- (6a) The Treasurer of Ontario, as custodian of the Fund may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the Fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the Fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the Fund, or both.

Security
for bank
loans.

42. Notwithstanding any provision contained in *The University Act* there shall be no election of the Chancellor or of the members of the Senate of the University of Toronto until September, 1944, unless in the meantime a statute is passed by the Senate directing an election either of the Chancellor or of the members of the Senate, or of both.

Election of
Chancellor
and Senate
postponed.

43.—(1) Clause *j* of section 1 of *The Vital Statistics Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 88, s. 1,
cl. j,
re-enacted.

- (j) "Funeral director or embalmer" shall include every person who engages in the burial of a body of a deceased person.

"Funeral
director or
embalmer",
defined.

(2) Section 9 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the first line and inserting in lieu thereof the words "funeral director or embalmer".

Rev. Stat.,
c. 88, s. 9,
amended.

(3) Section 41 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the second line and inserting in lieu thereof the words "funeral director or embalmer".

Rev. Stat.,
c. 88, s. 41,
amended.

44. Section 105 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Amendment Act, 1939*, is amended by striking out the words "in which a trustee may by law invest trust monies" in the seventh line and inserting in lieu thereof the words "issued by the Province of Ontario or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows:

Rev. Stat.,
c. 204, s. 105,
amended.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in

Formation
of reserves.

Rev. Stat.,
c. 72.

securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Compensation for lands expropriated, election as to who shall determine.

Rev. Stat.,
c. 54.

45. Notwithstanding anything in any general or special Act, where land or other property has been expropriated under the authority of any general or special Act all claims for compensation or damages by reason of such expropriation shall, where the expropriating body so elects by notice in writing, be heard and determined by the Ontario Municipal Board, and where such election is made sections 28, 30, 31, 32 and 36 of *The Public Works Act* shall, except as otherwise provided in the Act authorizing the expropriation, *mutatis mutandis* apply.

Taxation of houses built by Wartime Housing Limited.

46.—(1) The council of the city of Fort William, Hamilton, Kingston, Oshawa, Peterborough, St. Catharines, Welland, Windsor or Woodstock, or the town of Collingwood, Dundas, Fort Erie, Merriton or Parry Sound, or the township of Grantham, Kingston, McDougall or Stamford may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the assessment and taxation of land and the houses erected thereon by Wartime Housing Limited.

Condition precedent to passing of by-law.

(2) No by-law shall be passed under subsection 1 except with the affirmative vote of three-quarters of all the members of the council.

Termination.

(3) Every such agreement shall continue in force until and terminate on the last day of the calendar year in which hostilities cease completely or substantially between the Dominion of Canada and Germany, Italy and Japan unless sooner terminated pursuant to the terms thereof.

Distribution of moneys.

(4) Every such agreement shall provide for the distribution by the council of the moneys payable under the agreement in the same proportion and to the same bodies for which council is required to levy rates as would have been the case if, taxes had been levied in the usual way.

Application to Municipal Board.

(5) No such agreement shall be valid or binding upon the parties thereto until approved by the Ontario Municipal Board upon the application of the council concerned, and such application shall be heard and determined in the municipality concerned upon such notice and otherwise as the Board may direct.

(6) The Ontario Municipal Board may upon an application under subsection 5 approve the agreement and may, before granting its approval, amend or vary the agreement and the agreement when so approved shall be valid and binding upon the parties thereto according to the tenor thereof. Powers of Board.

47.—(1) Section 141 of *The Companies Act* is amended by striking out the words "hereafter incorporated" in the first line thereof. Rev. Stat., c. 251, s. 141, amended.

(2) Sub-clauses ii and iii of clause c of section 141 of *The Companies Act* are repealed and the following substituted therefor: Rev. Stat., c. 251, s. 141, cl. c, sub-cl. ii re-enacted; sub-cl. iii repealed.

- (ii) division, as the by-laws may provide, of the remaining net surplus funds among the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, either on the basis of the total volume thereof or on the basis of the volume or volumes in respect to the different kinds or classes of commodities purchased from or sold to the corporation by each member or shareholder; provided that, on crediting such distributive amounts or any portion thereof to each member or shareholder, the payment of the amounts so credited may be deferred by the directors and the moneys retained or used for the purposes of the corporation.

(3) Section 147 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 147, re-enacted.

147. The capital of corporations without share capital may be, either or both, in the form of loan units or in the form of promissory notes, called capital notes, of each member, payable on demand, or joint and several notes signed by each member, payable on demand to the corporation in such amounts and in such manner as the by-laws of the corporation may prescribe. Capital in form of loan units or notes.

(4) *The Companies Act* is amended by adding thereto the following section: Rev. Stat., c. 251, amended.

- 147a. The by-laws of corporations without share capital may provide that each member shall make a loan or loans to the corporation in such units or amounts as may be specified in the by-laws and that such loan units shall not bear interest, or shall bear interest at a specified rate not exceeding six per centum per annum. Loan units.

48. This Act may be cited as *The Statute Law Amendment Act, 1942.* Short title.

SCHEDULE

to The Statute Law Amendment Act, 1942.

SCHEDULE D

TO THE ADMINISTRATION OF JUSTICE EXPENSES ACT.

1. Upon the certificate of the Attorney-General, or Deputy Attorney-General for the analysis of the viscera of a human being..... \$50.00
2. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of human blood to determine its alcoholic content..... 5.00
3. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of urine to determine its alcoholic content..... 5.00
4. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for a physical examination of any person by a legally qualified medical practitioner 5.00
5. For any other scientific examination or analysis such fee as the Attorney-General or Deputy Attorney-General may in his discretion allow.
6. The living expenses while absent from home of the person making any examination referred to in items 1, 2, 3, 4 and 5 of this Schedule shall be paid upon the like certificate at the sums reasonably and actually paid and travelling expenses going to and returning from the place of such examination, but not to exceed first class railway fare.
7. Upon the certificate of the official empowered to authorize such analysis or examination, the expenses of conveying such material to the place where the analysis or examination is to be performed, actual expenses not exceeding per mile. . .08

BILL

The Statute Law Amendment Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

MR. CONANT

*(Reprinted as amended in Committee of the
Whole House.)*

No. 60

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

The Statute Law Amendment Act, 1942.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60.

1942.

BILL

The Statute Law Amendment Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 141,
amended.

1.—(1) *The Administration of Justice Expenses Act* is amended by adding thereto the following section:

Fees and
expenses.

14a. Except as otherwise provided, in any matter concerning the administration of justice the fees and expenses set out in Schedule D to this Act shall be paid, upon the certificate or approval of the official therein indicated, in the first instance by the county, unless the county gaol is owned and maintained by a city, in which case the fees in respect of cases arising within the city limits shall be paid in the first instance by the city and so far as they relate to cases arising in the county without the limits of the city, shall be paid in the first instance by the county and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund three-fifths of such fees and expenses.

Rev. Stat.
c. 141,
amended.

(2) *The Administration of Justice Expenses Act* is amended by adding thereto Schedule D which appears as a schedule to this Act.

Rev. Stat.,
c. 226,
amended.

2. *The Anatomy Act* is amended by adding thereto the following section:

Shipment
of body.

15a. No person shall accept for shipment or ship a dead body from any place within Ontario to any place outside of Ontario unless a certificate of a coroner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

Rev. Stat.,
c. 272, s. 113,
subs. 10,
cl. a (1941,
c. 5, s. 5)
repealed.

3.—(1) Clause a of subsection 10 of section 113 of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1941*, is repealed.

(2) Subsection 1 shall have effect from and after the 1st day of January, 1942. Effective date.

4.—(1) Section 57a of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., (c. 272, s. 57a, 1941, c. 5, s. 2), re-enacted.

57a.—(1) The assessor shall, after the return of the assessment roll, add to the roll the value of any building which after the return of the roll has been erected in whole or in part or the value of any building or land which after the return of the roll ceases to be exempt from taxation, and if the person occupying any such building or land is liable for business assessment the assessor shall add the amount thereof to the roll. Additions to roll.

(2) Where an addition is made to the roll under this section, the amount of the taxes to be levied thereon shall be computed by reference to the amount of the taxes which would have been levied for the current year in respect of such building or land if it had been previously assessed and shall be the amount of such taxes that is proportionate to the part of the current year then remaining and shall be entered on the collector's roll and collected in the same manner as if such building or land had been assessed in the usual way. Amount of taxes.

(3) Where the roll is returned upon which the taxes for the following year are levied, the assessor shall add to such roll the value of any such building or land and the amount of the business assessment, if any, and the amount of the taxes thereon for the whole of such year shall be entered on the collector's roll and collected in the same manner as taxes. Idem.

(4) Where an addition is made to the roll under this section, the assessor shall forthwith deliver or transmit to the person assessed in respect thereof, a notice of assessment and the same rights in respect of appeal shall apply as if such building or land had been assessed in the usual way. Notice.

(2) This section shall have effect from and after the 9th day of April, 1941. Commencement of section,—retroactive effect.

5. Section 10 of *The Children's Protection Act* is amended by adding thereto the following subsection: Rev. Stat., c. 312, s. 10, amended.

Relief of
certain
municipal-
ities.

- (10) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city or town the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make special grants by way of provincial aid, to relieve in whole or in part such municipality from the burden.

Rev. Stat.,
c. 138, s. 7,
subss. 1, 2,
amended.

- 6.**—(1) Section 7 of *The Coroners Act* is amended by striking out the word “undertaker” where it occurs in the first line of subsection 1 and the second line of subsection 2 and inserting in lieu thereof the words “funeral director”.

Rev. Stat.,
c. 138, s. 19,
subs. 2,
amended.

- (2) Subsection 2 of section 19 of *The Coroners Act* is amended by inserting after the words “Crown attorney” in the second line the words “or the supervising coroner”, so that the said subsection shall now read as follows:

When con-
sent to
post mortem
required.

- (2) A *post mortem* examination shall not be made without the consent in writing of the Crown attorney or the supervising coroner unless an inquest is actually held.

Rev. Stat.,
c. 138,
amended.

- (3) *The Coroners Act* is amended by adding thereto the following section:

Summons
to juror
or witness.

- 39a. A summons to a juror or to a witness may be served by personal service or by sending it by prepaid registered mail to the last or most usual place of abode of the person summoned.

Rev. Stat.,
c. 103,
ss. 12, 13,
amended.

- 7.**—(1) Sections 12 and 13 of *The County Courts Act* are amended by striking out the word “Tuesday” wherever it occurs in the said sections and inserting in lieu thereof the word “Monday”.

Commence-
ment of
subs. 1.

- (2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat.,
c. 137, s. 11,
repealed.

- 8.** Section 11 of *The Crown Attorneys Act* is repealed.

Rev. Stat.,
c. 142,
amended.

- 9.** *The Crown Witnesses Act* is amended by adding thereto the following section:

Fees and
expenses
where
evidence
taken by
commission.

15. Where any commission has issued to take the evidence of any witness, the fees and expenses incurred in and by the issue of such commission and the taking of such evidence shall be paid in the same manner as witness fees, upon the certificate of the Attorney-General, the Deputy Attorney-General or the Crown attorney.

10. Section 5 of *The Department of Education Act* is amended by adding thereto the following clause: Rev. Stat., c. 356, s. 5, amended.

(mm) subject to the regulations, to require all teachers to submit periodically to medical examination. Periodic medical examination of teachers.

11. Section 10 of *The Dependants' Relief Act* is amended by striking out all the words after the word "intestate" in the fifth line, so that the said section shall now read as follows: Rev. Stat., c. 214, s. 10, amended.

10. Subject to the provisions of section 8 the amount or value of any allowance ordered to be paid shall not exceed the amount to which the person in whose favour the order is made would have been entitled if the testator had died intestate. Limit of amount or value of allowance.

12.—(1) Subsection 2 of section 30 of *The Division Courts Act* is amended by inserting after the word "bailiff" in the second line the words "and of necessary stationery and stationery supplies", so that the said subsection shall now read as follows: Rev. Stat., c. 107, s. 30, subs. 2, amended.

(2) The costs of all books and forms, required by this Act to be kept by the clerk and bailiff, and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the inspector. Cost of division court books, forms, etc.

(2) Subsection 4 of section 41 of *The Division Courts Act* is amended by inserting before the word "fees" in the first line the word "gross", so that the said subsection shall now read as follows: Rev. Stat., c. 107, s. 41, subs. 4, amended.

(4) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court. Fees.

13.—(1) Subsection 2 of section 2 of *The Female Refuges Act* is amended by striking out the words "an industrial school" in the first line and inserting in lieu thereof the words "a training school", so that the said subsection shall now read as follows: Rev. Stat., c. 384, s. 2, subs. 2, amended.

(2) An inmate of a training school for girls may be transferred on warrant signed by the inspector to an industrial refuge, there to be detained for the unexpired portion of the term of imprisonment to which she was sentenced or committed. Commitment of females of training schools.

Rev. Stat., c. 384, s. 15, amended. (2) Section 15 of *The Female Refuges Act* is amended by adding thereto the following subsections:

Appeal to the Court of Appeal.

- (5) Any order made under this Act shall be subject to an appeal to the Court of Appeal.

Rev. Stat., c. 136 to apply.

- (6) Except as otherwise provided herein, *The Summary Convictions Act* shall apply to proceedings under this Act.

Rev. Stat., c. 329, s. 12, subs. 1, re-enacted.

14. Subsection 1 of section 12 of *The Fire Marshals Act* is repealed and the following substituted therefor:

Fund for expenses of Fire Marshal.

Rev. Stat., c. 256.

- (1) Every person, syndicate, reciprocal exchange or corporation transacting the business of fire insurance within the meaning of *The Insurance Act*, shall, in addition to the taxes now required by law to be paid, pay to the Treasurer of Ontario on or before the 30th day of April in each year, an amount not exceeding one-third of one per centum calculated upon the gross premiums, fixed payments and assessments received during the preceding year in respect of fire insurance business transacted in Ontario excluding,—

(a) premiums returned,

(b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario, and

(c) the cash value of dividends paid or credited to policy holders by mutual insurance companies and reciprocal exchanges,

as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*.

Rev. Stat., c. 104, s. 3, subss. 1, 4, 5, 6, amended.

15.—(1) Subsections 1, 4, 5 and 6 of section 3 of *The General Sessions Act* are amended by striking out the word "Tuesday" wherever it occurs in the said subsections and inserting in lieu thereof the word "Monday".

Commencement of subs. 1.

- (2) The amendment made by subsection 1 shall have effect from the 1st day of July, 1942.

Rev. Stat., c. 360, s. 25, cl. c, amended.

16. Clause c of section 25 of *The High Schools Act* is amended by adding at the end thereof the words "but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941", so that the said clause shall now read as follows:

- (c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941. Dental and medical inspection.

17.—(1) Clause *k* of section 29 of *The Interpretation Act* is amended by inserting after the word “stead” in the fourth line the words “or to act in his stead”, so that the said clause shall now read as follows: Rev. Stat., c. 1, s. 29, cl. k, amended.

- (*k*) words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, reappointing him or appointing another in his stead or to act in his stead, from time to time in the discretion of the authority in whom the power of appointment is vested. Words authorizing appointment include power to remove.

(2) The said section 29 is further amended by adding thereto the following clause: Rev. Stat., c. 1, s. 29, amended.

- (*n*) words authorizing the appointment of any public officer or functionary or the appointment of any person to administer any Act shall include the power of appointing a deputy to perform and have all the powers and authority of such public officer or functionary or person to be exercised in such manner and upon such occasions as may be specified in the instrument appointing him or such limited powers and authority as the instrument may prescribe. Words authorizing appointment include power to appoint deputy.

(3) This section shall have effect as from the 1st day of July, 1941. Commencement of section.

18.—(1) *The Judicature Act* is amended by adding thereto the following section: Rev. Stat., c. 100, amended.

- 16a.—(1) In this section “labour dispute” shall mean any dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by such employee or employees or as to the privileges, rights, duties or condition of employment of such employee or employees. “Labour dispute”, defined.

- (2) An *ex parte* interim injunction to restrain any person from doing any act in connection with any labour dispute shall not be for a longer period than four days. Interim injunction.

Rev. Stat.,
c. 100, s. 106,
subs. 1d,
(1941, c. 24,
s. 3, subs. 2)
amended.

(2) Subsection 1d of section 106 of *The Judicature Act* as enacted by subsection 2 of section 3 of *The Judicature Amendment Act, 1941*, is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three", so that the said subsection shall now read as follows:

Tenure
of office.

(1d) Each of the members of the Rules Committee appointed under clauses *a*, *b* and *e* of subsection 1 shall hold office for a period of three years and shall be eligible for reappointment.

Rev. Stat.,
c. 100, s. 106,
amended.

(3) The said section 106 is further amended by adding thereto the following subsection:

Vacancy
in office.

(1dd) In case of the resignation, death or inability to act of any member appointed under clause *a*, *b* or *e* of subsection 1, the Chief Justice of Ontario, Attorney-General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Rev. Stat.,
c. 269, s. 63,
amended.

19.—(1) Section 63 of *The Local Improvement Act* is amended by adding thereto the following clause:

(c) the construction of sewage treatment works.

Rev. Stat.,
c. 269, s. 64,
subs. 1,
amended.

(2) Subsection 1 of section 64 of *The Local Improvement Act* is amended by inserting after the word "sewer" in the ninth line the words "sewage treatment works", so that the said subsection shall now read as follows:

Assessment
of cost of
works for
benefit
of defined
areas.

(1) The council of a village or township may in the by-law for undertaking any work as a local improvement, define a section or area in the village or township and may provide that that part of the cost which would otherwise be the corporation's portion, together with such part as to the council may seem proper of what would otherwise be the owners' portion shall be assessed and levied on the whole rateable property in such defined section or area, and where the work is the construction of a watermain, sewer, sewage treatment works, sidewalk, curb or pavement and the petition for the work so requests, may also provide that the whole cost of the work including that part which would otherwise be the corporation's portion of the cost shall be specially assessed upon the lots fronting or abutting on the work.

20. Subsection 1 of section 4 of *The Master and Servant Act* Rev. Stat., c. 197, s. 4, subs. 1, amended. is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

- (1) Upon the complaint upon oath of a servant or labourer against his master or employer concerning any non-payment of wages a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$200, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress. Complaints by servants for non-payment of wages.

21. Subsection 1 of section 8 of *The Master and Servant Act* Rev. Stat., c. 197, s. 8, subs. 1, amended. is amended by striking out the symbol and figures "\$100" in the last line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

- (1) In the case of wages due to any mechanic, labourer or other person in respect of work of the character mentioned in section 5 of *The Mechanics' Lien Act* the jurisdiction of a magistrate of a city under this Act shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$200. Jurisdiction of magistrates in cities. Rev. Stat., c. 200.

22. *The Mechanics' Lien Act* is amended by adding thereto the following section: Rev. Stat., c. 200, amended.

- 2a. All sums received by a builder or contractor or a sub-contractor on account of the contract price shall be and constitute a trust fund in the hands of the builder or contractor, or of the sub-contractor, as Contract price a trust fund.

the case may be, for the benefit of the proprietor, builder or contractor, sub-contractors, Workmen's Compensation Board, workmen and persons who have supplied material on account of the contract, and the builder or contractor or the sub-contractor, as the case may be, shall be the trustee of all such sums so received by him, and until all workmen and all persons who have supplied material on the contract and all sub-contractors are paid for work done or material supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto, may not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Rev. Stat.,
c. 47, s. 160,
(1939, c. 27,
s. 21)
amended.

23.—(1) Section 160 of *The Mining Act* as re-enacted by section 21 of *The Mining Amendment Act, 1939*, is amended by adding thereto the following rule:

Building
fires
prohibited.

(5a) No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire fighting equipment has been provided.

Rev. Stat.,
c. 47, s. 186,
subs. 3,
(1939, c. 27,
s. 29)
amended.

(2) Subsection 3 of section 186 of *The Mining Act* as enacted by section 29 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "leased" in the seventh line the words "or patented" and by inserting after the word "provided" in the eleventh line the words "in the case of lease only", so that the said subsection shall now read as follows:

Minister
may extend
time.

(3) Notwithstanding anything contained in *The Mines Act* being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased or patented under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided, in the case of lease only, that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 186,
amended.

(3) The said section 186 is further amended by adding thereto the following subsection:

- (4) Upon proof of the required work being submitted within such extended time, the Minister may issue a certificate in accordance with the facts and such certificate may be registered in the proper registry or land titles office.

Proof of
work per-
formed.

24. Subsection 7 of section 10 of *The Mortgages Act* is amended by inserting after the word "death" in the third line the words "or where in any other case it appears that all money due upon the mortgage has been paid", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 155, s. 10,
subs. 7,
amended.

- (7) When a mortgagee has died and all money due upon the mortgage was paid to him in his lifetime or has been paid to a person entitled to receive the same after his death or where in any other case it appears that all money due upon the mortgage has been paid and for any reason a discharge or reconveyance cannot be obtained without undue delay and expense the court may make an order discharging the mortgage.

Death of
mortgagee—
order for
discharge.

25.—(1) *The Mortgage Tax Act* is repealed.

Rev. Stat.,
c. 172,
repealed.

(2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Commence-
ment of
subs. 1.

26.—(1) Clause *c* of section 1 of *The Natural Gas Conservation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 49, s. 1,
cl. *c*, re-
enacted.

- (*c*) "Natural gas" shall include any mixture of natural gas and artificial gas.

"Natural
gas".

(2) *The Natural Gas Conservation Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 49,
amended.

30. The provisions of this Act, including the power to make orders and regulations, shall apply to the transmission, distribution, use and rates chargeable for any artificial gas which may be produced at any plant designated by the Lieutenant-Governor in Council.

Application
of Act to
artificial
gas.

27. Clause *b* of section 3 of *The One Day's Rest in Seven Act* is repealed.

Rev. Stat.,
c. 193, s. 3,
cl. *b*,
repealed.

28. Section 3 of *The Partnership Registration Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 189, s. 3,
re-enacted.

3. Every declaration under this Act shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8,

When
declaration
to be filed.

within sixty days of the time when the name or designation is first used, provided that a judge of a county or district court may extend the period for filing upon being satisfied by affidavit or affidavits, which shall be filed with the declaration, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

Rev. Stat.,
c. 62, s. 13,
subs. 1,
amended.

29. Subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the words "of the Dominion of Canada or" in the third and fourth lines, so that the said subsection shall now read as follows:

Investment
of funds in
Government
securities.

- (1) The Commission may, in its discretion, invest any funds, not required in carrying out the objects of the Commission, in the debentures or other securities of the Province of Ontario, or in securities guaranteed by the Province of Ontario.

Rev. Stat.,
c. 390, s. 4,
amended.

30. Section 4 of *The Public Hospitals Act* is amended by adding thereto the following clause:

Ex officio
members of
the board.

- (cc) providing that certain persons shall be *ex officio* members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established.

Rev. Stat.,
c. 380, s. 4,
subs. 2, re-
enacted.

31. Subsection 2 of section 4 of *The Public Institutions Inspection Act* is repealed and the following substituted therefor:

Powers of
inspector.

- (2) An inspector appointed under any other Act may, when authorized by the Minister, exercise the powers conferred by subsection 1 in respect to any penal and reformatory institution.

Rev. Stat.,
c. 33, s. 3,
subss. 2, 3,
repealed.

32.—(1) Subsections 2 and 3 of section 3 of *The Public Lands Act* are repealed.

Rev. Stat.,
c. 33, s. 3,
subs. 4,
amended.

(2) Subsection 4 of the said section 3 is amended by striking out the words "Each of the Deputy Ministers" at the commencement thereof and inserting in lieu thereof the words "The Deputy Minister", so that the said subsection shall now read as follows:

Oath of
office.

- (4) The Deputy Minister shall before entering upon his duties take and subscribe an oath faithfully to discharge the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(3) *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 33,
amended.

3a. There shall be an officer of the Department to be known as the Surveyor General, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister. Surveyor
General.

33. Section 41 of *The Public Lands Act* is amended by striking out the word "within" in the second line and inserting in lieu thereof the word "without", so that the section shall now read as follows: Rev. Stat.,
c. 33, s. 41,
amended.

41. If a person entitled to obtain a location under the provisions of this Part has, without objection by the Crown, for a period of four years or more occupied and has made the prescribed improvements upon one or more lots, not exceeding in quantity that which may be granted under this Part, before the land was opened for location as free grant land, or if the land was open for location, and has so occupied and improved the land but through inadvertence or oversight has not been located for it, the Minister, if satisfied that the land is not chiefly valuable for its pine trees, subject to the regulations, may, after location under this Part, direct the issue of the letters patent upon proof of the performance of the prescribed settlement duties and without waiting for the expiration of three years from the date of the location. When
patent
may issue
before three
years.

34. Section 8 of *The Public Officers' Fees Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 18, s. 8,
amended.

(5) In this section the expression "fees and emoluments" shall mean gross fees and emoluments. Fees and
emolu-
ments,—
meaning of.

35. *The Public Trustee Act* is amended by adding thereto the following section: Rev. Stat.,
c. 166,
amended.

5a. All monies invested by the Public Trustee shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it. Investment
of funds in
Government
securities.

36. Section 2 of *The Railway Fire Charge Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 326, s. 2,
amended.

Tenants of
railway
lands
acquired by
Crown.

- (2) Subject to the provisions of section 4, the tenant of any railway lands heretofore or hereafter acquired by the Crown shall pay the annual charge fixed under the provisions of subsection 1.

Rev. Stat.,
c. 170, s. 111,
subs. 3,
amended.

- 37.**—(1) Subsection 3 of section 111 of *The Registry Act* is amended by striking out all the words after the word "office" in the fourth line, so that the said subsection shall now read as follows:

Where office
held by
more than
one person
during year.

- (3) Where more than one person has held the office in any calendar year, each of such persons shall pay an aliquot part of the percentage payable for the year, based upon the portion of the year during which he was in office.

Rev. Stat.,
c. 170, s. 123,
subs. 2,
repealed.

- (2) Subsection 2 of section 123 of *The Registry Act* is repealed.

Commence-
ment of
subs. 2.

- (3) Subsection 2 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Rev. Stat.,
c. 17, s. 38,
repealed.

- 38.** Section 38 of *The Sheriffs Act* as amended by section 3 of *The Sheriffs Amendment Act, 1941*, is repealed.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. b,
amended.

- 39.**—(1) Clause *b* of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by striking out all the words after the word "Ontario" in the fourth line, so that the said clause shall now read as follows:

- (b) any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work solely in Ontario.

1939, (2nd
Session)
c. 1, s. 4,
subs. 1,
cl. d,
amended.

- (2) Clause *d* of subsection 1 of the said section 4 is amended by striking out all the words after the word "determine" in the eighth line, so that the said clause shall now read as follows:

- (d) that portion of any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work both in and outside Ontario as is in the same ratio to the whole that its expenditures for carrying on its work in Ontario bear to its total expenditures during such period as the Treasurer may determine.

Rev. Stat.,
c. 106, s. 30,
subs. 5,
(1940, c. 28,
s. 25)
repealed.

- 40.** Subsection 5 of section 30 of *The Surrogate Courts Act* as enacted by section 25 of *The Statute Law Amendment Act, 1940*, is repealed.

41. Section 2 of *The Teachers' and Inspectors' Super-annuation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 366, s. 2,
amended.

(6a) The Treasurer of Ontario, as custodian of the Fund may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the Fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the Fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the Fund, or both. Security
for bank
loans.

42. Notwithstanding any provision contained in *The University Act* there shall be no election of the Chancellor or of the members of the Senate of the University of Toronto until September, 1944, unless in the meantime a statute is passed by the Senate directing an election either of the Chancellor or of the members of the Senate, or of both. Election of
Chancellor
and Senate
postponed.

43.—(1) Clause *j* of section 1 of *The Vital Statistics Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 88, s. 1,
cl. j,
re-enacted.

(j) "Funeral director or embalmer" shall include every person who engages in the burial of a body of a deceased person. "Funeral
director or
embalmer",
defined.

(2) Section 9 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the first line and inserting in lieu thereof the words "funeral director or embalmer". Rev. Stat.,
c. 88, s. 9,
amended.

(3) Section 41 of *The Vital Statistics Act* is amended by striking out the word "undertaker" in the second line and inserting in lieu thereof the words "funeral director or embalmer". Rev. Stat.,
c. 88, s. 41,
amended.

44. Section 105 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Amendment Act, 1939*, is amended by striking out the words "in which a trustee may by law invest trust monies" in the seventh line and inserting in lieu thereof the words "issued by the Province of Ontario or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows: Rev. Stat.,
c. 204, s. 105,
amended.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in Formation
of reserves.

Rev. Stat.,
c. 72.

securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Compensation for lands expropriated, election as to who shall determine.

45. Notwithstanding anything in any general or special Act, where land or other property has been expropriated under the authority of any general or special Act all claims for compensation or damages by reason of such expropriation shall, where the expropriating body so elects by notice in writing, be heard and determined by the Ontario Municipal Board, and where such election is made sections 28, 30, 31, 32 and 36 of *The Public Works Act* shall, except as otherwise provided in the Act authorizing the expropriation, *mutatis mutandis* apply.

Rev. Stat.,
c. 54.

Taxation of houses built by Wartime Housing Limited.

46.—(1) The council of the city of Fort William, Hamilton, Kingston, Oshawa, Peterborough, St. Catharines, Welland, Windsor or Woodstock, or the town of Collingwood, Dundas, Fort Erie, Merriton or Parry Sound, or the township of Grantham, Kingston, McDougall or Stamford may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the assessment and taxation of land and the houses erected thereon by Wartime Housing Limited.

Condition precedent to passing of by-law.

(2) No by-law shall be passed under subsection 1 except with the affirmative vote of three-quarters of all the members of the council.

Termination.

(3) Every such agreement shall continue in force until and terminate on the last day of the calendar year in which hostilities cease completely or substantially between the Dominion of Canada and Germany, Italy and Japan unless sooner terminated pursuant to the terms thereof.

Distribution of moneys.

(4) Every such agreement shall provide for the distribution by the council of the moneys payable under the agreement in the same proportion and to the same bodies for which council is required to levy rates as would have been the case if taxes had been levied in the usual way.

Application to Municipal Board.

(5) No such agreement shall be valid or binding upon the parties thereto until approved by the Ontario Municipal Board upon the application of the council concerned, and such application shall be heard and determined in the municipality concerned upon such notice and otherwise as the Board may direct.

(6) The Ontario Municipal Board may upon an application under subsection 5 approve the agreement and may, before granting its approval, amend or vary the agreement and the agreement when so approved shall be valid and binding upon the parties thereto according to the tenor thereof. Powers of Board.

47.—(1) Section 141 of *The Companies Act* is amended by striking out the words “hereafter incorporated” in the first line thereof. Rev. Stat., c. 251, s. 141, amended.

(2) Sub-clauses ii and iii of clause c of section 141 of *The Companies Act* are repealed and the following substituted therefor: Rev. Stat., c. 251, s. 141, cl. c, sub-cl. ii re-enacted; sub-cl. iii repealed.

- (ii) division, as the by-laws may provide, of the remaining net surplus funds among the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, either on the basis of the total volume thereof or on the basis of the volume or volumes in respect to the different kinds or classes of commodities purchased from or sold to the corporation by each member or shareholder; provided that, on crediting such distributive amounts or any portion thereof to each member or shareholder, the payment of the amounts so credited may be deferred by the directors and the moneys retained or used for the purposes of the corporation.

(3) Section 147 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 251, s. 147, re-enacted.

147. The capital of corporations without share capital may be, either or both, in the form of loan units or in the form of promissory notes, called capital notes, of each member, payable on demand, or joint and several notes signed by each member, payable on demand to the corporation in such amounts and in such manner as the by-laws of the corporation may prescribe. Capital in form of loan units or notes.

(4) *The Companies Act* is amended by adding thereto the following section: Rev. Stat., c. 251, amended.

- 147a. The by-laws of corporations without share capital may provide that each member shall make a loan or loans to the corporation in such units or amounts as may be specified in the by-laws and that such loan units shall not bear interest, or shall bear interest at a specified rate not exceeding six per centum per annum. Loan units.

48. This Act may be cited as *The Statute Law Amendment Act, 1942.* Short title.

SCHEDULE

to The Statute Law Amendment Act, 1942.

SCHEDULE D

TO THE ADMINISTRATION OF JUSTICE EXPENSES ACT.

1. Upon the certificate of the Attorney-General, or Deputy Attorney-General for the analysis of the viscera of a human being..... \$50.00
2. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of human blood to determine its alcoholic content..... 5.00
3. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for the analysis of urine to determine its alcoholic content..... 5.00
4. Upon the certificate of the Attorney-General or Deputy Attorney-General or Crown Attorney for a physical examination of any person by a legally qualified medical practitioner 5.00
5. For any other scientific examination or analysis such fee as the Attorney-General or Deputy Attorney-General may in his discretion allow.
6. The living expenses while absent from home of the person making any examination referred to in items 1, 2, 3, 4 and 5 of this Schedule shall be paid upon the like certificate at the sums reasonably and actually paid and travelling expenses going to and returning from the place of such examination, but not to exceed first class railway fare.
7. Upon the certificate of the official empowered to authorize such analysis or examination, the expenses of conveying such material to the place where the analysis or examination is to be performed, actual expenses not exceeding per mile.. .08

BILL

The Statute Law Amendment Act, 1942.

1st Reading

April 10th, 1942

2nd Reading

April 13th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

No. 61

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

**An Act respecting The Hydro-Electric Power Commission of Ontario,
Steep Rock Iron Mines Limited and The Ontario-Minnesota
Pulp and Paper Company Limited.**

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain
contracts
declared
legal and
valid.

1. Notwithstanding anything contained in *The Power Commission Act*, or any other Act of this Legislature,—

- (a) the contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, set out in Schedule A hereto, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) the contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, set out in Schedule B hereto, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) the contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, set out in Schedule C hereto, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and
- (d) the contract between The Ontario-Minnesota Pulp and Paper Company Limited, Steep Rock Iron Mines Limited and The Seine River Improvement Com-

pany Limited dated the 10th day of April, 1942, set out in Schedule D hereto, relating to certain obligations undertaken by Steep Rock Iron Mines Limited and to certain matters mentioned in the contract referred to in clause *c* of this section and other matters as therein provided,

when executed by the parties are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns.

Default of
Steep Rock
Iron Mines
Limited.

2.—(1) In the event of default by Steep Rock Iron Mines Limited in respect of its obligations under the agreement set out in Schedule C, The Hydro-Electric Power Commission of Ontario is authorized, empowered and directed to re-open or cause to be re-opened the power plant referred to as the Moose Lake power plant, in the agreements set out in the schedules hereto or otherwise to restore the normal water flow in the Seine River.

Losses and
Profits.

(2) Any losses or profits arising from the agreements set out in Schedules A, B and C, and losses arising out of indemnities or guarantees given by The Hydro-Electric Power Commission of Ontario under the agreement set out in Schedule A, shall be charged or credited to the account for Northern Ontario Properties of The Hydro-Electric Power Commission of Ontario under the agreement entered into by The Hydro-Electric Power Commission of Ontario with His Majesty the King under section 47 of *The Power Commission Act*, dated June 30th, 1933, or any other agreement made thereunder.

Powers;
rights of
action.

3. The Ontario-Minnesota Pulp and Paper Company Limited or any corporation or person succeeding to the ownership of the Seine River properties as defined in the contract referred to in clause *a* of section 1 either alone or together with The Hydro-Electric Power Commission of Ontario shall be entitled as provided in the said contract to operate and control the gates of the Seine Diversion as defined in the said contract; and no action shall be brought or be maintainable against The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns or The Seine River Improvement Company Limited or any corporation or person succeeding to its ownership of the said Seine River properties in respect of any claim arising or growing out of or based upon any escape of water from Moose Lake into any part of the area at the date of the coming into force of this Act covered by Steep Rock Lake during the time in which the operation of the Moose Lake plant as defined in the said contract shall be suspended under the terms of the said contract; it being hereby declared and provided that Steep

Rock Iron Mines Limited, its successors and assigns shall be liable and that neither The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns, nor The Seine River Improvement Company Limited nor any corporation or person succeeding to its ownership shall be liable in respect of any such claims aforesaid and that all actions, if any, upon any such claim shall be maintainable against Steep Rock Iron Mines Limited, its successors and assigns; and such powers of expropriation as were exercisable by The Seine River Improvement Company Limited at the time when this Act comes into force for the purpose of acquiring title to or rights of way or easements over tracts of land crossed by the existing transmission line of The Seine River Improvement Company Limited may be validly exercised by The Ontario-Minnesota Pulp and Paper Company Limited in the same manner and to the same extent as if Part XIII of *The Companies Act* applied to The Ontario-Minnesota Pulp and Paper Company Limited.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Steep Rock Iron Ore Development Act, 1942*.

SCHEDULE A

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in triplicate the 10th day of April, A.D. 1942;

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY,
LIMITED, hereinafter called the "Company"

OF THE SECOND PART

—and—

THE SEINE RIVER IMPROVEMENT COMPANY, LIMITED,
hereinafter called the "Seine River Company"

OF THE THIRD PART.

WHEREAS the Commission acting under *The Power Commission Act*, R.S.O. 1937, Chapter 62, and amendments thereto, is willing to enter into an agreement for the supply of electrical power on the terms and conditions herein contained;

AND WHEREAS the Company is duly incorporated under the laws of the Province of Ontario and is operating a pulp and paper plant at the Town of Fort Frances in the District of Rainy River, in the Province of Ontario, with head office at the Town of Kenora, in the said Province, and whereas the Seine River Company, a wholly owned subsidiary of the Company, is operating a power plant and development at the head of Steep Rock Lake in the said District of Rainy River, hereinafter referred to as the "Moose Lake Plant", for the purposes of the Company, and is also operating power plants and developments at Calm Lake and Sturgeon Falls with terminal facilities at Fort Frances, all in the said District of Rainy River for the purposes of the Company, the said power plants and developments being hereinafter referred to as the "Seine River Properties"; and whereas Steep Rock Iron Mines Limited, a Company incorporated under the laws of the Province of Ontario, proposes to develop and operate mining properties in the vicinity of the said Moose Lake Plant, and for such purpose proposes to de-water Steep Rock Lake and divert and interfere with the natural flow in the Seine River through Steep Rock Lake, the said diversion and interference and the completed works related thereto being hereinafter referred to as the "Seine Diversion";

AND WHEREAS the Company proposes to acquire substantially the whole of the assets of the Seine River Company and following such acquisition to cause the Seine River Company to be dissolved or liquidated;

AND WHEREAS said Seine Diversion will render it impractical for the Seine River Company to operate its said Moose Lake plant, and it is proposed that the Commission should supply the Company with electric power to replace the power which would otherwise be developed by the Seine River Company at the said Moose Lake plant; which said power is hereinafter called "replacement power";

AND WHEREAS the Seine Diversion will require the cessation of the operation of the Moose Lake plant, and thereby cut off the power which otherwise might be developed by the said plant; and whereas the reopening of the said Moose Lake plant will temporarily interfere with the water-flow at the said Calm Lake and Sturgeon Falls plants, and may thereby partially curtail the development of power by those plants;

AND WHEREAS the Seine Diversion and mining operations will not involve the removal of the said Moose Lake plant, but will prevent the discharge of water from the said plant, and render its use impractical for the generating of power, and it is proposed to maintain the said plant in such condition that its operation may be resumed if and when the said water discharge is again available, and to maintain the electrical equipment therein in operating condition so that the generating units may be utilized to perform the duties of synchronous condensers if so desired;

AND WHEREAS the Commission by an agreement of even date has made arrangements with Steep Rock Iron Mines, Limited, for payment and security therefor in respect of the said replacement power;

AND WHEREAS the Company may desire to take and the Commission may desire to supply power additional to the replacement power upon the terms hereinafter set forth, which said additional power is hereinafter referred to as "supplementary power";

AND WHEREAS to supply power hereunder it will be necessary to utilize a transmission line between the Commission's Port Arthur Transformer Station at or near the City of Port Arthur and the said Moose Lake plant, which said transmission line is to be constructed by the Commission for Steep Rock Iron Mines, Limited, and paid for and owned by Steep Rock Iron Mines, Limited; and it may be desired to install and use synchronous condenser equipment at the said Moose Lake plant or to use generating equipment at the said Moose Lake plant as synchronous condensers, and also to use the facilities of the Seine River Company's other generating plants for such purpose;

AND WHEREAS the said Seine River properties generally consist of three Hydro-Electric plants, commonly known as the Moose Lake, Calm Lake and Sturgeon Falls plants, along the course of the Seine River located upon the parcels of land described in that certain lease (hereinafter referred to as water power lease No. 28) granted by His Majesty the King and dated the 29th day of April, 1927, which lease provides rights of renewal for successive terms of twenty-one years each, the last of such terms to expire on the 31st day of March, 1989;

AND WHEREAS the Commission in an agreement of even date herewith between the Commission and Steep Rock Iron Mines, Limited (hereinafter referred to as "the Steep Rock Company") has undertaken to supply electric power (hereinafter sometimes referred to as Steep Rock power) to the Steep Rock Company for the operations of the latter in dewatering Steep Rock Lake and in mining;

AND WHEREAS the parties have agreed that the foregoing recitals shall be conclusively deemed to be correct and shall not be open to question by any of them as evidenced by their execution of this agreement;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the mutual and respective covenants and agreements of the parties and other considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES:

To reserve for and deliver to the Company without charge to the Company up to Ten Thousand Five Hundred Horsepower (10,500 H.P.) subject to variation as hereinafter provided in Clauses 3, 4 and 5 hereof of electrical power and energy as replacement power under the conditions and at the point of delivery herein specified, such delivery to commence on a date and hour to be designated in a written notice to be given to the Company by the Commission (which date and hour are hereinafter referred to as "the Commencement Date"); such notice shall be delivered to the Company at least five (5) days in advance of the Commencement Date therein designated, but shall in no event be given before the Commission is fully prepared to deliver the full requirements of replacement power hereunder, or later than the 1st day of July, 1945 (unless a later date be concurred in by the Company), and in default of the giving of such notice within said period of time or such period of time as extended, this entire agreement shall be of no further force or effect:

2. THE COMPANY AGREES:

That upon receipt by it of the notice given under the conditions set out in Clause 1 hereof, it will regulate the output of the said Moose Lake plant according to the Commission's directions, and will at the appropriate time close, and at all times thereafter cause to be kept closed, until March 31, 1989, or until termination of the rights of the lessee under said water power lease No. 28, or until the Moose Lake plant shall be restored to operation pursuant to the provisions of Clause 28 hereof (whichever shall be the earlier date) the gates in the Moose Lake plant, and in the dam maintained in connection therewith, so as to stop the flow of water through the said plant and dam into Steep Rock Lake, provided, however, that the Company shall not be required to take any such action unless contemporaneously therewith the Commission shall commence delivery of said replacement power at the point of delivery and until the control and operation of the gates of the Seine Diversion shall be turned over to the Company:

3. Notwithstanding Clauses 1 and 2, the parties recognize that there will be a short period of transition from the undisturbed basis of operation of the Seine River properties to the basis which will be established after the Seine Diversion is in operation; it is recognized that during such period the output of the Seine River properties may be interfered with; the parties agree that during such period the Company shall be entitled to receive a maximum amount of replacement power which, together with the quantity from time to time available from the Seine River properties, will be equal to the total amount of power which would have been available had undisturbed conditions continued; the parties agree to co-operate in the various operations involved in this transition to give effect to the foregoing; the transition period shall commence as soon as any interference with the output of the Seine River properties occurs and shall terminate on a date to be fixed by the Commission by notice to the Company, which notice shall be given and which date shall be fixed as early as is reasonably practicable:

4. The Commission agrees that if, in accordance with the provisions of paragraph 4 of a certain agreement of even date herewith between the Company and the Steep Rock Company, and the Seine River Company, it shall be determined as therein provided that the Company is entitled to and the Company shall elect to receive additional replacement power and shall give to the Commission notice of such election, the Commission will furnish such additional replacement power without charge to the Company in such amount as shall be determined in accordance with the provisions of the said agreement, which amount of additional replacement power shall be added to the Ten Thousand Five Hundred Horsepower (10,500 H.P.) agreed to be furnished by the Commission under Clause 1:

5. The Commission agrees that upon the restoration of the Moose Lake plant to operation, pursuant to the notice referred to in Clause 26 hereof or otherwise and until the normal waterflow in the said Seine River through Steep Rock Lake is restored it will continue to furnish replacement power, without charge to the Company, in an amount which shall be equal to the Ten Thousand Five Hundred Horsepower (10,500 H.P.) specified in Clause 1, or Ten Thousand Five Hundred Horsepower (10,500 H.P.) increased in accordance with Clause 4, plus the amount by which the amount of power available from the Calm Lake and Sturgeon Falls plants is reduced on account of said restoration, and minus the amount of power which during the period of restoration shall be available at the Moose Lake plant:

6. In addition to the said replacement power to be supplied pursuant to Clause 1, 3, 4 and 5 inclusive, the Commission also agrees to deliver additional power hereinafter called "supplementary power" to the Company upon the request of the Company from time to time, but only when and in such amounts and for such periods as the Commission is willing to supply and the Company is willing to take it and subject to reduction and/or interruption in whole or in part by the Commission at any and at all times and for such duration of time as the Commission in its sole discretion may from time to time will and direct:

7. The Commission agrees to deliver all power hereunder at the point of delivery herein defined as the 110,000 volt bus in the Company's Moose Lake plant:

8. The Commission agrees to deliver the replacement power as commercially continuous, twenty-four (24) hour power every day in the year except as provided for in this agreement, and to deliver the Supplementary power pursuant to the provisions of clause 6:

9. The Commission agrees that such changes in or additions to the electrical equipment of the Seine River properties as may be required to enable the Company to receive and control power hereunder without interfering with the power operations of the Seine River Company and/or the Company shall be provided and installed by the Commission before the commencement date at the sole expense of the Commission (provided that such equipment shall not thereby become the property of the Seine River Company, its successors or assigns) and to the extent that any such equipment is so provided and installed the same may be removed by the Commission in accordance with the provisions of Clause 20;

The Commission agrees to use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so that the service rendered to the Company shall be in accordance with appropriate commercial standards:

10. If in any month the Company takes power so that the average or integrated demand for any thirty (30) consecutive minutes is in excess of Ten Thousand Five Hundred Horsepower (10,500 H.P.) or the amount to which the said Ten Thousand Five Hundred Horsepower (10,500 H.P.) has been varied under the provisions of clauses 3, 4 and 5 or any of them such excess shall be deemed to be supplementary power, except to the extent that such taking is due exclusively to inadvertence, accident, exigencies created by operation of systems in parallel, or other cause reasonably beyond the control of the Company. The taking of such excess shall not thereby constitute an obligation on the part of the Commission to reserve and/or deliver power increased to any extent over its obligations under clauses 1, 3, 4 and 5 but for such month the Company shall pay for supplementary power as if such excess had been taken for the whole month, but such payment shall not confer upon the Company any right to take such or any excess power free from the restrictions thereon specified in clause 6:

11. All power delivered under this agreement shall be alternating three-phase having a frequency of approximately Sixty (60) cycles subject to ordinary variations of approximately five percent (5%) and a nominal voltage of approximately One Hundred and Ten Thousand volts (110 kv.) which nominal voltage it is agreed is in magnitude only commercially suitable for the operation in parallel of the Seine River Company's system with that of the Commission;

Because the Seine River Company's system includes generating plants which will be operated in parallel with the Commission's system supplying power hereunder, the Seine River Company agrees to so operate its own plants to the extent possible with its equipment installed, to assist the Commission to maintain at all times the said voltage specified hereinabove; and such other equipment or facilities necessary to enable the Commission to fulfill its obligations hereunder in respect of voltage shall be supplied by the Commission;

If it should be desired by the Commission the Seine River Company shall during the term of this agreement operate and maintain the electric generating units in its said Moose Lake plant as synchronous condensers, charging the Commission the actual cost of converting the said electric generating units for such purpose;

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include "energy";

One horsepower shall be equivalent to Seven Hundred and Forty-six Watts (746 W.):

12. THE COMPANY AGREES:

(a) To make all payments to be made to the Commission under this agreement in lawful money of the Dominion of Canada, at Toronto, and to pay in monthly payments to the Commission on the Twentieth (20th) day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the Tenth (10th) day, or if the bill be rendered after the Tenth (10th) day, then Ten (10) days after the date of rendering; provided that all payments in arrears after the said date for payment shall bear interest at the rate of five percent (5%) per annum;

12. (b) At all times to take and use or cause to be taken and used the power in such manner that the power factor (that is, the ratio of the kilowatts to the kilovolt amperes, determined simultaneously at the point of measurement) shall be as near as practicable to that necessary to enable the Commission to deliver the power hereunder at the voltage prescribed in clause 11 hereof, within the limits of the installed equipment of the Company and the Seine River Company;

To control and cause the Seine River Company to control power factor in such manner as is necessary to give effect to the foregoing provisions of this clause 12 (b);

13. THE COMPANY AGREES:

To pay to the Commission in monthly payments for all power delivered to or taken by the Company in any month in the following manner, namely:

- (a) From the greatest average or integrated amount of power delivered to or taken by the Company for any 30 consecutive minutes in any month as determined from the indications of the Commission's metering equipment hereinafter referred to shall be deducted the ten thousand five hundred (10,500) horsepower of replacement power provided for under clause 1 hereof or the amount of replacement power as varied from time to time in accordance with the provisions of clauses 3, 4 and 5 hereof, and the balance of such power shall be deemed to be supplementary power. All supplementary power so determined shall be paid for by the Company at the rate of nineteen dollars (\$19.00) per horsepower per year for the first one thousand (1,000) horsepower thereof, and the rate of twenty-four dollars and twenty cents (\$24.20) per horsepower per year for all such power in excess of the said first one thousand (1,000) horsepower.
- (b) From the total number of kilowatt-hours delivered to or taken by the Company in any month as indicated on the Commission's metering equipment hereinafter referred to shall be deducted an amount of energy which is equivalent to the said greatest average or integrated demand referred to in clause 13 (a) calculated at a monthly load factor of 85%, and the balance shall be deemed to be excess energy hereunder, and shall be paid for by the Company at a rate of three and one-half (3½) mills per kilowatt-hour.
- (c) Notwithstanding the foregoing provisions of clauses 13 (a) and 13 (b) the Company shall not be obliged in any event to pay to the Commission for replacement power:

14. THE COMPANY AND THE SEINE RIVER COMPANY AGREE:

(a) To take the power covered by this agreement in accordance with the terms hereof and to discontinue or decrease taking supplementary power when required by the Commission to do so, and to prepare for the receipt and use of the said power so as to be able to receive power at the time or times when the Commission is required to deliver the same pursuant to the provisions hereof.

(b) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as

practicable, and in any event with the difference between any two phases not greater than five percent (5%), and if at any time the difference between any two phases be increasing so as likely to exceed, or should exceed the said five percent (5%), to so adjust their load upon instructions from the Commission as to comply with this requirement.

(c) To continue to provide the existing electrical apparatus, equipment and works from the point of delivery, and to maintain and operate the said electrical apparatus, equipment and works in a manner satisfactory to the Commission; provided that the Company shall not be obligated to obtain or furnish any additional electrical apparatus, equipment or works save replacements.

(d) To use at all times suitable standard commercial machinery, plant and works in addition to the said electrical works and to operate and maintain the said machinery, plant and works so as to cause minimum disturbance to or fluctuation in the Commission's power supply, or facilities used by the Commission to supply power hereunder, and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Company along with the said power supply and facilities.

15. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment, including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall if necessary be provided, installed and maintained commercially correct by the Commission;

(b) The greatest average or integrated amount of power delivered to or taken by the Company for any thirty (30) consecutive minutes in any month determined from coincident readings of the said meters, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Company in the said month;

(c) The point of measuring the power covered by this agreement shall be as near as practicable to the point of delivery;

(d) Whenever the said measuring equipment is connected at other than the point of delivery the readings shall be subject to correction and shall be corrected to give results such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission;

(e) The records from the said meters shall be taken and recorded by the Company on forms supplied or approved by the Commission and when and as directed by the Commission. These records shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company at all reasonable times for inspection and information;

(f) The Company or the Seine River Company shall provide free of charge a safe and suitable location to be approved by the Commission on the premises of the Company or the Seine River Company for the installation of the Commission's measuring equipment; and protective equipment, switching equipment, relays and other terminal equipment provided by Steep Rock Iron Mines, Limited, for the purpose of enabling it to take power from the Commission and/or for the purpose of enabling the Commission to supply power hereunder;

(g) The Commission may test, calibrate, adjust, remove or change said measuring and other equipment or any part thereof at any reasonable time, but when possible the Company shall be advised at least three (3) days in advance of the Commission's intention so to do;

(h) The Company shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Company's desire to test such measuring equipment;

(i) The Commission shall repair or replace and retest defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

(j) Access to any measuring equipment and to any apparatus, equipment and works belonging to the Commission, or Steep Rock Iron Mines, Limited, and on the property of the Company shall be free to the representatives of the Commission at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal, and the said representatives may do any of these things;

(k) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 15, and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment, except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts.

16. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein, and a fulfilment of all the operating obligations of the Commission under this agreement. It is understood and agreed that in operation of plants in parallel the control of power factor, voltage and delivery of power is to a large extent within the control of the operators in those plants, and the Company and the Seine River Company agree that to the extent that they are able with their equipment installed, and their load, they will so operate their plants and their load as to assist the Commission in fulfilling its obligations hereunder;

(b) In case the Commission shall, at any time or times, be prevented from delivering said replacement power, or any part thereof, by strikes, lockouts, riots, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, act of God, the King's enemies, order or regulation of the Dominion of Canada, or any other similar cause or causes reasonably beyond its control, then to the extent of such prevention, the Commission shall not be bound to deliver power during such time. The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption is removed, the Commission shall, without any delay, deliver said replacement power as aforesaid;

(c) The Commission shall have the right at all reasonable times and when possible after reasonable notice has been given to the Company to discontinue, to the extent deemed necessary by the Commission, the supply of replacement power hereunder for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works used for the delivery of power hereunder, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Company; and the Company shall not thereby be released from any obligation under this agreement;

(d) If the Company or the Seine River Company at any time fail in the performance of any of their obligations affecting electrical operation under this agreement, including without limiting the generality of the foregoing, taking power in excess of the maximum hereunder or taking supplementary power when requested by the Commission not to take such power, the Commission may give notice thereof to the Company or to the Seine River Company, which notice may be given by telephone to an employee of the Company or the Seine River Company by a representative of the Commission and the Company or the Seine River Company shall immediately remedy the said failure; in case of continued failure, then the Commission may discontinue delivery to the Company of all power or of any part thereof, and shall not be obliged to resume delivery to the Company until the Company shall have given to the Commission sufficient

assurance that such failure will not recur; in such case the Company shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement;

17. The Company and the Seine River Company hereby grant to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of their respective lands as may be necessary or expedient to the Commission for the supply of power to the Company, the location thereof to be satisfactory to the Company; the said rights, wayleaves and easements to be for the term of this agreement and thereafter until ninety (90) days' written notice from the Company to remove the Commission's works shall have been given and shall have expired; If the Company requires relocation of the Commission's works, the Company shall furnish on its lands an equivalent location; The Commission shall do the work of relocation and the Company shall pay the cost up to the extent such works supply power to the Company:

18. One or more representatives or engineers of the Commission appointed for this purpose, may at any reasonable time during the continuance of this agreement, have access to the Seine River Company's premises to inspect the works therein for the purposes hereof and to take records therefrom as required hereunder, and may do any of these things.

19. The Company and the Seine River Company shall assume all risk of and liability for and be responsible for any and all injury, damage and loss to property of the Commission on the premises of the Company or the Seine River Company respectively, or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement, or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission; The Company and the Seine River Company shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith:

20. The Commission shall be entitled at any time prior to the expiration of ninety (90) days' notice in writing from the Company delivered after the termination of this agreement and the last extension thereof to remove from the premises of the Company and the Seine River Company, any and all apparatus, equipment and works which may have been installed by the Commission under or in connection with this agreement:

21. If after termination of this agreement power be taken by the Company from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement, provided that replacement power should be paid for at a rate to be agreed upon on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Company any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Company and the Company shall not be obliged to take power after the termination of this agreement:

22. Any waiver by any party or failure by it to exercise its rights or enforce any of its remedies hereunder shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement, or in any other way affect the validity of this agreement or estop such party from pursuing any other remedy it may have and all rights and remedies of either party may be exercised and continued concurrently or separately:

23. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this agreement or concerning anything herein contained or hereby provided for or arising herefrom or as to the rights, liabilities or duties of the Commission and the Company and the Seine River Company or any of them, the same shall forthwith be referred to arbitration under *The Arbitration Act* of the Province of Ontario and shall

be determined in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario and when possible in a summary manner. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company and the Seine River Company respectively, except that any of them may appeal from, move to set aside, vary or refer back any award as provided in the said Arbitration Act, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited; No such disagreement, dispute, difference or question shall entitle the Commission (pending the determination of the dispute by arbitration as aforesaid) to withhold delivery of replacement power:

24. The Commission hereby consents to the conveyance and transfer of the assets of the Seine River Company to the Company subject to the assumption by the Company of the obligations of the Seine River Company to the Commission under the provisions of this agreement; and upon the Company furnishing the Commission with evidence that the Company has acquired the assets of the Seine River Company on the terms aforesaid the direct obligation of the Company shall thereupon be substituted for the obligations of the Seine River Company hereunder without further formality; and the Seine River Company shall upon the furnishing of such evidence be and be deemed to have been released from all further obligations or liability under this agreement, and the Company shall thereupon succeed to all the rights and obligations of the Seine River Company under this agreement and where the context permits reference to the Seine River Company herein shall be construed as if the Company alone were named, and the provisions of this agreement shall be deemed to have been amended accordingly; The Commission hereby consents, upon such conveyance and transfer being made, to the surrender of the charter or other dissolution of the Seine River Company, and further agrees with the Company to furnish such additional consent or release of the Seine River Company as the Company may require for the purposes aforesaid.

25. As further consideration for the entering into of this agreement by the Company and in order to assure to the Company full reimbursement of all loss, costs, damages and expenses which the Company may incur or suffer by reason of the Seine diversion arising out of taxes, assessments, levies or charges as hereinafter referred to, the Commission agrees from time to time to pay to the Company on demand without right of reimbursement such sum or sums as may be equal to any and all present or future taxes (including sales taxes) assessments, levies or charges, governmental, municipal or otherwise, which may be imposed on or become payable by the Company, or which may be imposed on or become payable by the Commission and/or others, and become payable by the Company or which would otherwise increase the burden of the Company in respect of its requirements for replacement power hereunder; and which would not have been imposed on or become payable by the Company or otherwise have increased the burden of the Company in respect of the receipt by it of replacement power, if it had been generating such power for its own use by means of a plant wholly owned and operated by it;

The foregoing shall not apply or relate to the supply of supplementary power and/or excess energy:

26. The delivery of replacement power hereunder when commenced shall be continuous until March 31, 1989, or until the rights of the Lessee as from time to time renewed under said water power lease No. 28 shall have expired or until the Moose Lake plant shall be restored to operation pursuant to the provisions of clause 28 hereof or so long as the Company or any successor or transferee thereof shall require such power for its use or that of others, whichever shall be the earliest date; provided that the Commission shall be relieved of its obligation to furnish power hereunder if and when the Commission shall give notice to the Company, or to any successor or transferee thereof who may at the time be the owner of the said Seine River properties directing and requesting that the Moose Lake plant be restored to operation and the Commission shall have fully complied with its obligations under the provisions of clause 5.

27. In the event that the Commission shall give the notice referred to in clause 26 hereof, it shall be obligated, at its own cost and expense, to hold harmless, defend and protect the corporation or person to whom such notice is given against any and all claims and/or suits of every character by whomsoever asserted on account of the flowing of water pursuant to said notice through the Moose Lake plant into Steep Rock Lake and upon properties affected thereby, or on account of the reduction in or discontinuance of the flow of water through the Seine diversion, occasioned thereby, and against all loss, costs, damages and expenses arising from such claims and suits; and shall forthwith remove or cause to be removed, without cost or expense to the Company or to its successors or assigns, any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of said lake or with mining operations therein which affect the restoration of the normal flow of Seine River waters through said lake.

28. The Company agrees that upon receipt of the notice referred to in clause 26 hereof it will forthwith cause the Moose Lake plant to be restored to operation, or in the event it shall be restrained from so doing by Court or Governmental order it will, upon such restriction being removed, forthwith cause the Moose Lake plant to be restored to operation.

29. Wherever in this agreement it is provided that notice may be given by either party to the other, such notice shall be in writing, shall be signed by the party giving such notice, and if such party is a corporation, by an officer thereof, and shall be deemed given to the party to whom such notice is directed when delivered at the address of such party given below, and a copy thereof shall have been forwarded by registered mail addressed to the party to whom such notice is directed; Until otherwise directed by the respective parties, notices to the Company or to the Seine River Company shall be addressed as follows:

The Ontario-Minnesota Pulp and Paper Company, Limited,
1100 Builders Exchange Building,
Minneapolis, Minnesota.

and notices to the Commission shall be addressed as follows:

The Hydro-Electric Power Commission of Ontario,
620 University Avenue,
Toronto, Ontario.

provided that the provisions of the within clause shall not apply to the notice referred to in clauses 15 (h) and 16 (d) hereof.

30. The Commission agrees that, so long as the operation of the Moose Lake plant shall be suspended under the terms of the within agreement, the Company, or any corporation or person succeeding to its ownership of the Seine River properties, shall have the continued right to operate and control the gates of the Seine Diversion, and thereafter until the normal balanced flow of the Seine River through Steep Rock Lake is restored shall together with the Commission have joint control of such gates; such operation and control to be at the sole expense of the Company, or of its successor or transferee, but with the obligation on the Commission to maintain or cause to be maintained the said gates and the control works and water passages of the Seine Diversion during the period within which the operation of the Moose Lake plant shall be suspended hereunder. At the expiration of the aforesaid period of joint control the Commission shall cause the Seine Diversion to be permanently closed against the discharge through said Seine Diversion of the waters of Moose Lake;

The Commission agrees that at all times during the period when the normal waterflow in the Seine River is being restored it will co-operate with the Company and the Seine River Company to prevent to the greatest extent possible interference with the output of the said Seine River properties:

31. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be

passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) Contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines, Limited dated the 10th day of April, 1942 relating to the supply of power to Steep Rock Iron Mines, Limited, and other matters as therein provided;
- (b) Contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines, Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines, Limited to The Hydro-Electric Power Commission of Ontario, and other matters as therein provided;
- (c) Contract between Steep Rock Iron Mines, Limited and Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to certain obligations undertaken by Steep Rock Iron Mines, Limited and other matters as therein provided;

—and given Royal Assent, whereupon this agreement shall be binding and shall have effect in accordance with its terms.

Provided that when this agreement shall have become binding in accordance with the foregoing provision it shall remain in force for the period during which the Commission is required to deliver power under the provisions hereof:

32. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively:

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG,
Chairman.
(Seal)
OSBORNE MITCHELL,
Secretary.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY, LIMITED

R. H. M. ROBINSON,
President.
(Seal)
R. D. MAIN,
Secretary.

THE SEINE RIVER IMPROVEMENT COMPANY,
LIMITED

R. H. M. ROBINSON,
President.
(Seal)
R. D. MAIN,
Secretary.

SCHEDULE B

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate this 10th day of April, A.D. 1942;

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART

—and—

STEEP ROCK IRON MINES LIMITED, hereinafter called the
"Customer"

OF THE SECOND PART

WHEREAS the Commission acting under *The Power Commission Act* R.S.O. 1937, Chapter 62 and amendments thereto, is willing to enter into an agreement for the supply of electrical power on the terms and conditions herein contained, the said agreement to be known as the Steep Rock Power Agreement;

AND WHEREAS the Customer has applied to the Commission for a supply of electrical power under the said Act and amendments thereto;

AND WHEREAS the Customer is duly incorporated under the laws of the Province of Ontario and proposes to carry on the business of mining and metallurgy with mining properties in the vicinity of Steep Rock Lake, in the District of Rainy River, with head office at Toronto;

AND WHEREAS for the purpose of enabling its said mining operations to be conducted the Customer proposes to dewater Steep Rock Lake and for that purpose will require power which is hereinafter referred to as "Development Power", in addition to power required for mining operations which is hereinafter referred to as "Operation Power";

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer six thousand horsepower (6,000 h.p.) of Development Power under the conditions and at the point of delivery herein specified when the Customer's preliminary development operations have progressed to such extent that the normal waterflow in the Seine River Watershed has been interfered with thereby, which said date is called the "Commencement Date" and is tentatively fixed as July 1st, 1943, and continuing until entirely eliminated under the provisions of clause 3;

1. (b) To reserve for and deliver to the Customer under the same conditions and at the same point of delivery three thousand horsepower (3,000 h.p.) of Operation Power commencing when the Customer begins its mining operations at the said mining properties, which date is tentatively fixed as July 1st, 1944, and continuing while this agreement remains in force, which shall be the limit of amount until increased as hereinafter provided;

1. (c) To reserve for and deliver to the Customer under the same conditions and at the same point of delivery additional Operation Power

up to two thousand horsepower (2,000 h.p.) more in blocks of fifty horsepower (50 h.p.) each, or multiples thereof, on the expiration of thirty (30) days after request in writing therefor, until a total amount of five thousand horsepower (5,000 h.p.) of Operation Power shall have been reached which shall be the maximum of Operation Power under this agreement;

1. (d) Notwithstanding the foregoing the Commission shall not be obliged to reserve for the Customer at any time a total of Development Power and Operation Power exceeding nine thousand horsepower (9,000 h.p.), it being the understanding between the parties that as the completion of the Customer's development work progresses it will reduce its requirements of Development Power under the provisions of clause 3, and that at some stage of the development work it will have commenced its mining operations, thereby making its requirements of Development Power and Operation Power concurrent, for a time, but the Development Power subsequently decreasing and Operation Power increasing:

2. THE COMMISSION AGREES:

(a) To deliver power at the point of delivery herein defined as the one hundred and ten thousand volt (110,000 V) bus in the Commission's Port Arthur Transformer Station at or near the City of Port Arthur in the Province of Ontario;

2. (b) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for in this agreement;

2. (c) To use at all times first-class, suitable standard commercial apparatus and plant, and to exercise all due skill and diligence so that the service rendered to the Customer shall be in accordance with appropriate commercial standards:

3. If in any month after the Customer shall have ceased to take Development Power by reducing such Development Power in accordance with the provisions hereinafter written the Customer takes power so that the average or integrated demand for any ten consecutive minutes is in excess of the limit of Operation Power then in force, the taking of such excess, except to the extent that such taking is due exclusively to inadvertence, accident or any other cause beyond the control of the Customer, shall thereafter constitute an obligation on the part of the Customer to pay for and on the part of the Commission to hold in reserve and deliver Operation Power increased by such excess to the extent if any allowed by the Commission, all in accordance with the terms and conditions of this agreement thereby establishing a new limit of Operation Power, but in no case shall the whole amount of such Operation Power including the said increase, exceed the maximum of Operation Power under this agreement; in any event the Customer shall pay for power during the said month as if such excess, whether or not beyond the said maximum of Operation Power had been taken for the whole month;

The Customer shall reduce the amount of Development Power which the Commission is obliged to hold in reserve and deliver to it according as its necessary requirements of Development Power are decreased as the work progresses, by delivering to the Commission notice in writing one month or more prior to the date that such reduction is to come into effect, and in any event shall be deemed to have reduced its taking of Development Power to zero not later than two (2) years from the Commencement Date. All power taken by the Customer thereafter shall be deemed to be Operation Power, provided however that the Commission shall not be obliged to reserve for and/or deliver to the Customer at any time more than the said maximum amount of Operation Power specified in clause 1 (c).

4. All power delivered under this agreement shall be alternating, three-phase, having a frequency of approximately sixty (60) cycles per second and a nominal voltage of approximately one hundred and ten thousand (110,000) volts subject to ordinary variations from the said voltage of approximately ten percent (10%) and from the said frequency of approximately five percent (5%);

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include "energy";

One horsepower shall be equivalent to seven hundred and forty-six watts (746 w.).

5. THE CUSTOMER AGREES:

(a) To make all payments to be made to the Commission under this agreement in lawful money of Canada, at Toronto, and to pay in monthly payments to the Commission on the twentieth day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the tenth day, or if the bill be rendered after the tenth day, then ten (10) days after the date of rendering; provided that all payments in arrears after the said dates for payment shall bear interest at the rate of five percent (5%) per annum; provided, further, that if any bill remains unpaid for thirty (30) days after the date of receipt thereof the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until the said bill is paid and no such discontinuance by the Commission shall relieve the Customer from the performance of the covenants, provisions and conditions herein contained;

5. (b) If in any month power is taken in such manner that eighty-five percent (85%) of the maximum kilovolt amperes as determined at the point of measurement is greater than the maximum kilowatts as determined at the same point, then for that month eighty-five percent (85%) of the said maximum kilovolt amperes shall for the purposes of billing be considered to be the true kilowatts. For the purpose of this clause the maximum in kilovolt amperes and in kilowatts shall each be the maximum average or integrated demand in any ten (10) consecutive minutes in the month."

5. (c) To pay to the Commission in monthly payments according to the following schedule of horsepower rates, namely,—

Nineteen Dollars (\$19.00) per horsepower per annum;

all based on the maximum ten (10) minute integrated demand and eighty-five percent (85%) minimum power factor as provided in this agreement, which shall be applied as if the maximum ten (10) minute integrated demand corrected for eighty-five percent (85%) minimum power factor had been taken for the whole month, subject always to the minimum in this agreement provided; provided that the amount in horsepower each month determined from the said maximum ten (10) minute integrated demand corrected for the said minimum power factor shall be the horsepower demand for the month;

In addition to payment at the said horsepower rate to pay to the Commission in monthly payments at the rate of three decimal five (3.5) mills which is seven-twentieths (7/20ths) of a cent per kilowatt-hour for all energy taken in excess of the energy equivalent to the amount of power for which the Customer is paying at a monthly load factor of eighty-five percent (85%):

5. (d) After the Customer has ceased to take Development Power hereunder, and is taking, or is deemed to be taking Operation Power only to pay to the Commission for each month as a minimum for seventy-five percent (75%) of the greatest amount of power held in reserve for the Customer during any previous month after the Customer shall have ceased to take Development Power, except during the first month after such cessation during which said month the minimum shall be seventy-five percent (75%) of the amount of power reserved for the Customer during such month, provided however that in any event the Customer shall pay to the Commission for each month as a minimum for two thousand, two hundred and fifty horsepower (2,250 h.p.) all subject to clause 8.

6. THE CUSTOMER AGREES:

(a) To take the power covered by this agreement in accordance with the terms hereof and to prepare for the receipt and use of the said power so as to be able to receive power on the Commencement Date.

6. (b) To take power exclusively from the Commission during the continuance of this agreement and not to sell or dispose of the said power or any part thereof directly or indirectly without the written consent of the Commission; and not to use the said power hereunder for electric steam boiler operation or for the heating of buildings;

6. (c) At all times to take and use the power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is as near unity as practicable;

6. (d) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as practicable and in any event with the difference between any two phases not greater than five percent (5%); Provided that if at any time the difference between any two phases should exceed the said five percent (5%) or if the said difference be increasing so that it is likely to do so the Customer upon instructions from the Commission shall so adjust the Customer's load as to comply with this requirement;

6. (e) To provide a suitable transformer station; before starting construction to obtain Commission approval of such plans, drawings and specifications thereof as the Commission may require, and to supply all other electrical apparatus, equipment and works from the point of delivery, all subject to the approval of the Commission, and to construct, install, maintain and operate the said station and all other electrical apparatus, equipment and works in a manner satisfactory to the Commission;

PROVIDED that the Commission shall not be obliged to deliver power under this agreement until its approval has been obtained under the requirements of this clause but such approval shall not be unreasonably withheld or delayed;

6. (f) To use at all times suitable standard commercial machinery, plant and works in addition to the said electrical works and to operate and maintain the said machinery, plant and works so as to cause minimum disturbance to or fluctuation in the Commission's power supply or system and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Customer along with the power supply and system of the Commission:

7. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission;

7. (b) The greatest average or integrated amount of power delivered to or taken by the Customer for any ten (10) consecutive minutes in any month determined from coincident readings of the said meters, subject to power factor correction, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Customer in the said month;

7. (c) The point of measurement of the power covered by this agreement shall be at the terminus of the Customer's one hundred and ten thousand volt (110,000 V) transmission line in or immediately adjacent to the existing Moose Lake Plant of The Seine River Improvement Company Limited;

7. (d) Should such measuring equipment be connected at other than the point of measurement then the readings of such measuring equipment shall be subject to a correction or adjustment to give readings such as would have been obtained if said measuring equipment had been connected at the said point of measurement; but when connected at the point of measure-

ment shall not be subject to correction because of being connected at other than the point of delivery, it being understood that this correction has been provided for in establishing the rate specified in clause 5 (c);

7. (e) The records from the said meters shall be taken and recorded by the Customer on forms supplied or approved by the Commission and when and as directed by the Commission; these records shall be dated and forwarded promptly by the Customer to the Commission and such records on file with the Commission shall be available to the Customer at all reasonable times for inspection and information;

7. (f) The Customer shall if necessary provide free of charge a safe and suitable location, to be approved by the Commission on the premises of the Customer, for the installation of the Commission's measuring equipment and no rental or other charge or claim shall be made to the Commission for the location of the said measuring equipment on the Customer's premises. If relocation of the said measuring equipment shall at any time or times during the term of this agreement become necessary the Customer shall bear the cost and expense thereof;

7. (g) The Commission may test, calibrate, adjust, remove or change said measuring equipment or any part thereof at any reasonable time, but when possible the Customer shall be advised at least three (3) days in advance of the Commission's intention so to do;

7. (h) The Customer shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment;

7. (i) The Commission shall repair or replace and retest defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

7. (j) Access to any measuring equipment and to any apparatus, equipment and works belonging to the Commission and on the property of the Customer shall be free to the representatives of the Commission at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal, and the said representatives may do any of these things;

7. (k) The kilowatts, kilowatt-hours, kilovolt amperes and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 7, and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment: except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts:

8. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfillment of all the operating obligations of the Commission under this agreement, and when the voltage and the frequency are maintained within the limits provided in clause 4, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other characteristics and qualities at the point of measurement are under the sole control of the Customer and the Customer's agents, apparatus, equipment and works;

8. (b) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control including without limiting the generality thereof, strike, lockout, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the King's enemies and act of God, then the Commission shall not be bound to deliver power during such time and the Customer shall be allowed an adjustment in payment for power as herein-

after provided, but the Customer shall not otherwise be released from any obligation under this agreement; the Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interruption is removed the Commission shall without delay deliver power and the Customer shall take and pay for the same all in accordance with this agreement;

8. (c) The Commission shall have the right at all reasonable times, and when possible, after reasonable notice has been given to the Customer, to discontinue to the extent deemed necessary by the Commission, the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works necessary for the delivery of power hereunder but all such interruptions shall be of minimum duration and when possible arranged for at a time least objectionable to the Customer; the Customer shall be allowed an adjustment in payment for power as hereinafter provided, but the Customer shall not otherwise be released from any obligation under this agreement;

For interruptions under this subclause or under the preceding subclause dealing with causes reasonably beyond the Commission's control, the adjustment in payment for power to be allowed to the Customer shall be determined as follows:—(a) for total interruptions the amount used as basis shall be the amount of the horsepower demand for that month on which the Customer would otherwise be required to pay; (b) for partial interruptions the amount used as basis shall be the amount of the said horsepower demand less the average amount in horsepower of power taken by the Customer during the interruption; in every case the amount of horsepower to be used for adjustment shall be the amount used as basis averaged over the whole month in the ratio of the length of time of the interruption to the total time in the month; provided that no adjustment shall be allowed in respect of any interruption lasting less than three minutes when the aggregate time of all interruptions in any month does not exceed a total of twenty (20) minutes or in respect of interruptions occurring within a period in which the Customer is not using power for operation;

8. (d) If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or of the limit of amount of Operation Power then in force, or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by a representative of the Commission and the Customer shall immediately remedy the said failure; in case of continued failure for more than fifteen (15) minutes after notice, then the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur; in such case the Customer shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement; the Customer shall forthwith designate in writing to the Commission to what employee the said notice under this subclause 8 (d) is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer:

9. The Customer hereby grants to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of the Customer's lands as may be necessary or expedient to the Commission for the supply of power to the Customer, and for the measurement thereof and/or other purposes of this agreement, all during the period this agreement remains in force and thereafter until ninety (90) days' written notice from the Customer to remove the Commission's works shall have been given and shall have expired; if at any time or times the Commission shall be required by the Customer to change the location of any of the said works or equipment, the Customer shall provide another suitable location therefor and the Customer shall pay the cost of such change of location.

10. One or more representatives or engineers of the Commission appointed for this purpose may at any reasonable time during the continuance of this agreement, have access to the premises of the Customer for the purpose of inspecting the electrical works and property of the Customer and of taking records therefrom as required and may do any of these things:

11. The Customer shall assume all risk of and liability for and be responsible for (a) any and all injury, damage and loss to property of the Commission on the premises of the Customer to the extent that the same is due to the neglect or default of the Customer, its servants or agents, and (b) any and all injury, damage and loss to property of the Customer or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission, its servants or agents; the Customer shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith:

12. The Commission shall be entitled at any time prior to the expiration of ninety (90) days' notice in writing from the Customer delivered after the termination of this agreement and the last extension thereof to remove from the premises of the Customer, any and all apparatus, equipment and works which may have been installed by the Commission under or in connection with this agreement:

13. If after termination of this agreement power be taken by the Customer from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement but only on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Customer any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Customer:

14. Any waiver by the Commission or the Customer or either of them or failure by either of them to exercise their respective rights or enforce their respective remedies shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement or in any other way affect the validity of this agreement; the exercise by the Commission or the Customer of any remedy provided in this agreement shall not prevent or estop the Commission or the Customer respectively from pursuing any other remedy it may have and all the respective rights and remedies of the Commission and the Customer may be exercised and continued concurrently or separately:

15. This agreement shall extend to, be binding upon and enure to the benefit of the Commission and the Customer and their successors and assigns respectively:

16. In case of any dispute arising between the parties hereto relative to the fulfilment of any of the terms, provisoes or conditions of this agreement, or as to the method or accuracy of the measurement of power or any other question which may arise under this agreement, the same shall be immediately referred to arbitration under The Arbitration Act of the Province of Ontario, and shall be determined in accordance with the laws of the Province of Ontario, and the findings of the arbitrator or arbitrators so appointed shall be final and binding upon both parties hereto, except that either party may appeal from, move to set aside, vary or refer back an award of the arbitrators and may proceed therein to the Supreme Court of Canada and the Privy Council, or either of them:

17. If the Customer fails at any time in the performance of any obligation under this agreement the Commission without terminating the agreement may without notice and without liability therefor discontinue delivery of power to the Customer, but no such discontinuance shall relieve

the Customer from any obligation under this agreement or lessen or change any of the Customer's obligations; the Commission shall not be obliged to resume delivery of power to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur; and if the Customer continues in default in the performance of such obligation under this agreement the Commission may at its option mail postage prepaid to the Customer at the last known address of its head office a notice that unless the said obligation is completely fulfilled within five (5) days after the mailing of the said notice the contract will be deemed terminated; if after mailing of the said notice the Customer continues in default in respect of the said obligation beyond the said period specified in the said notice for fulfilment of its obligation this agreement shall thereupon terminate:

18. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) contract between The Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company, Limited, dated the 10th day of April, 1942 relating to certain obligations undertaken by Steep Rock Iron Mines, Limited and other matters as therein provided;
- (c) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

and given Royal Assent, whereupon this agreement shall become binding and shall have effect in accordance with its terms.

Provided that when this agreement has become binding in accordance with the foregoing it shall continue in force for the mining life of the mining properties to which power shall at any time have been supplied under this agreement; provided, however, that the Commission may terminate it at the end of the period of ten (10) years from the commencement date or at any subsequent date by six months or more previous notice in writing:

19. The Customer shall furnish to and deposit with the Commission security satisfactory to the Commission for the complete performance of this agreement by the Customer and shall at all times maintain the same in full force and effect so long as this agreement continues in force; such security may be in the form of a surety bond executed by the Customer and by a surety company satisfactory to the Commission or in the form of cash deposit or bonds satisfactory to the Commission; in the case of bonds as last mentioned, the Customer when not in default hereunder shall be entitled to the interest and interest coupons on the said bonds; if at any time the security deposited with the Commission shall become unsatisfactory to the Commission, the Customer upon request by the Commission shall promptly deposit security that is satisfactory to the Commission; the Customer, when not in default under this agreement, shall have the right at any time to change the security deposited with the Commission by substitution of surety bond, cash or bonds satisfactory to the Commission as aforesaid; upon any failure by the Customer to provide or maintain security as aforesaid the Commission shall not be obliged to reserve for or deliver any power to the Customer or having commenced shall not be obliged to continue; the amount of the security shall in the first instance be Twenty-five Thousand Dollars (\$25,000.00),

but shall be varied from time to time in accordance with the Customer's obligation to pay for power hereunder; Security under this clause shall be for the purposes of this clause only and shall not relate in any manner to security given by the Customer to the Commission under any other agreement between the Commission and the Customer:

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG, *Chairman.* (Seal)
OSBORNE MITCHELL,
Secretary.

STEEP ROCK IRON MINES LIMITED

(Seal) D. M. HOGARTH,
President.
G. G. BLACKSTOCK,
Secretary-Treasurer.

SCHEDULE C

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate the 10th day of April, A.D. 1942, to be known as the Supplementary Agreement:

BETWEEN:

STEEP ROCK IRON MINES, LIMITED, hereinafter called the "Company"

OF THE FIRST PART

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission"

OF THE SECOND PART

WHEREAS by an Indenture of even date the parties hereto agreed for a supply of electric power and energy by the Commission to the Company at the Company's plant at its mining properties in the vicinity of Steep Rock Lake in the District of Rainy River, hereinafter called "The Steep Rock Power Agreement";

AND WHEREAS for the purpose of developing and operating its mining properties the Company proposes to dewater Steep Rock Lake and divert and interfere with the natural flow in the Seine River watershed, the said diversion and interference being hereinafter referred to as the "Seine Diversion";

AND WHEREAS the said Seine Diversion will render it impracticable for the Seine River Improvement Company Limited, a wholly owned subsidiary of The Ontario-Minnesota Pulp and Paper Company, Limited to operate a power development and power plant which the Seine River Improvement Company, Limited has constructed at the head of Steep Rock Lake in the said District of Rainy River which is hereinafter referred to as the Moose Lake plant, and the Commission has at the request of the Company, by an agreement of even date, hereinafter called the "Replacement Power Agreement", agreed to supply power to the said Ontario-Minnesota Pulp and Paper Company, Limited, to replace the power which the Seine River Improvement Company, Limited has been developing and would otherwise develop at its said Moose Lake plant for the purposes of The Ontario-Minnesota Pulp and Paper Company, Limited, the amount of such power being ten thousand five hundred horsepower (10,500 h.p.) subject to variation as appears in the said Replacement Power Agreement; and also in another eventuality to supply additional power called Supplementary Power, as therein set forth;

AND WHEREAS in the event that the Company should make default in its obligations hereunder, the Commission might still be obliged to furnish power to The Ontario-Minnesota Pulp and Paper Company, Limited under the said Replacement Power Agreement; and whereas it has been agreed by the Company and The Ontario-Minnesota Pulp and Paper Company, Limited and the Seine River Improvement Company, Limited that the said plant should be maintained in such manner that it may be restored to operation again should the natural waterflow in the Seine River through Steep Rock Lake be restored, and it has been agreed by The Ontario-Minnesota Pulp and Paper Company, Limited with the Commission that upon restoration of the said natural waterflow the Commission shall be relieved from its obligation to supply power to The Ontario-Minnesota Pulp and Paper Company, Limited at its said plant, and it is therefore expedient that the Commission should be enabled of its own

accord to restore the said natural waterflow in the event of the Company making default in its obligations to the Commission under the said power agreement or hereunder;

AND WHEREAS in order that the Commission may make delivery of power to the said Company under the Steep Rock Power Agreement and make delivery of power to Ontario-Minnesota Pulp and Paper Company, Limited under the said Replacement Power Agreement it is necessary that a transmission line be constructed from the Commission's Port Arthur Transformer Station, at or near the City of Port Arthur in the Province of Ontario, to the said Moose Lake plant, and certain terminal facilities at the said Port Arthur Transformer Station and Moose Lake plant be installed, and it has been agreed that the said line and terminal facilities should be constructed and operated as hereinafter set forth;

AND WHEREAS it is hereinafter agreed that ownership of the said transmission line after construction thereof shall be vested in the Company; and whereas it is expedient that in order to fulfil its obligations in respect of the delivery of power under the said Replacement Power Agreement the Commission should be able to use the said transmission line;

AND WHEREAS the Company has agreed to pay to the Commission from time to time and at all times during the continuance of these presents all power bills properly rendered to it by the Commission for replacement power under the said Replacement Power Agreement at the rate of nineteen dollars (\$19.00) per horsepower per annum:

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the agreement by the Commission to supply replacement power to The Ontario-Minnesota Pulp and Paper Company, Limited, which the Company would otherwise be obliged to supply, or make arrangements in respect thereof and for the other considerations herein contained, the Parties hereto covenant, promise and agree each with the other as follows:—

1. THE COMPANY AGREES:

That it will from time to time and at all times during the continuance of these presents whenever bills are properly rendered to it by the Commission, and within twenty (20) days from the date of receipt thereof pay to the Commission for all replacement power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited, under the Replacement Power Agreement at the rate of nineteen dollars (\$19.00) per horsepower per annum, the amount of such power being calculated according to the provisions of the said Replacement Power Agreement and also all monies and cost which the Commission shall have been required to pay or incur under clauses 25, 27 and 30 of the said Replacement Power Agreement:

2. THE COMPANY AGREES:

That if at any time it makes default in respect of its agreements, covenants, premises or obligations contained in the Steep Rock Power Agreement made by it with the Commission or contained in these presents, and such default continues for a period of one month after the Commission shall have given notice to the Company requiring that such default be remedied on or before a date specified in the said notice the Commission may and the Company hereby grants to the Commission the right to restore the normal waterflow in the said Seine River through Steep Rock Lake and to enter upon the Company's lands and premises for that purpose and remove and/or destroy such of the Company's works and properties as may be necessary for that purpose and/or to construct such works and perform such operations upon the Company's lands and premises as are necessary for that purpose, and the Company agrees that it will make no claim or demand against the Commission in respect of anything relating to or arising therefrom, and will indemnify and save harmless the Commission from all claims and demands of other persons arising therefrom;

The Company will obtain such title to such lands as is necessary to enable the Commission to effect the restoration of the said normal water-

flow and will continue to hold such title during the full term of this agreement:

3. It is agreed that the Commission shall construct for the Company a suitable transmission line and provide a right of way therefor from the Commission's said Port Arthur Transformer Station to the said Moose Lake plant in order to facilitate the transmission of power from its said transformer station to the Company's mining properties at Steep Rock and the delivery of power under the said Replacement Power Agreement; and the Company will pay to the Commission the total cost and expense thereof and permit the Commission to use it free of charge for delivery of replacement power under the said Replacement Power Agreement; During the term of this agreement the Company will also permit the Commission at all times to use the said line for supplying power to customers other than the Company and for the supply of power other than replacement power to The Ontario-Minnesota Pulp and Paper Company, Limited in consideration of payment to it by the Commission of the following rentals, viz.:

- (a) For the first one thousand horsepower (1,000 h.p.) of power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited in addition to the replacement power required to be supplied under the Replacement Power Agreement there shall be no rental;
- (b) For all further power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited in excess of the said one thousand horsepower (1,000 h.p.), not being replacement power, and for all power supplied to customers of the Commission other than The Ontario-Minnesota Pulp and Paper Company, Limited in the vicinity of Steep Rock Iron Mine at an annual rental calculated at the rate of four dollars and forty cents (\$4.40) per horsepower;

The ownership of the said transmission line and right-of-way shall vest in the Company:

4. It is agreed that the Commission will purchase and install all terminal equipment such as relays, switching, lightning protection and synchronous condensers necessary or convenient to enable power to be delivered to the Company and under the Replacement Power Agreement to The Ontario-Minnesota Pulp and Paper Company, Limited, and to enable the power plants of the Seine River Improvement Company, Limited at Fort Frances, Calm Lake and Sturgeon Falls to be operated in parallel with the Commission's system and equipment to enable The Ontario-Minnesota Pulp and Paper Company, Limited to receive and control power under the Replacement Power Agreement without interfering with the power operations of The Seine River Improvement Company, Limited, and/or the Company, and the Company will pay to the Commission the total cost and expense thereof:

Ownership of the said equipment referred to in the immediately preceding paragraph shall be vested in the Company:

It is agreed that if necessary to use the electric generators at present installed in the said Moose Lake plant as synchronous condensers, the Company will pay the total cost, expense and rentals involved therein.

5. The said transmission line and equipment shall be operated and maintained by the Commission or by the Commission's nominee, and the Company shall reimburse the Commission for the full cost of operation, maintenance and administration expenses incurred in respect thereof. Without limiting the generality of the foregoing the Company shall bear the expense of public liability and property damage and casualty insurance, also any additional insurance which the Company may instruct the Commission to place, or the Commission in its discretion shall procure, in respect of the maintenance and operation of the said line and terminal equipment, and Workmen's Compensation assessments and rates; the payment of the said cost shall be made monthly by the Company within twenty (20) days after receipt from the Commission of the bill therefor:

6. THE COMPANY AGREES:

That so long as the operations of the Moose Lake plant are suspended it will not permit or suffer any buildings or erections to be constructed or maintained within the basin of Steep Rock Lake except such buildings or erections as may be necessary for its own operations, and in particular will not permit the erection of any quarters or dwellings for staff or others, and that upon default by the Company under the said Steep Rock Power Agreement or hereunder the Company will within such time as shall be prescribed by the Commission remove or cause to be removed from the basin of Steep Rock Lake all buildings, machinery, equipment, plant and chattel property, and in default of such removal the Steep Rock Company shall assume all damage sustained by any such property so remaining upon the premises and shall also remove or cause to be removed any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of the said lake or with operations of the Company therein which would affect the restoration of the normal waterflow of the Seine River Waters through the said lake and at the same time shall remove such protective works as may have been placed in Moose Lake or in the water passages leading to the Moose Lake plant if such removal shall be requested by the Commission:

7. The Company shall furnish to and deposit with the Commission security satisfactory to the Commission for the complete performance of this agreement by the Company and shall at all times maintain the same in full force and effect so long as this agreement continues in force; such security shall be in the form of a cash deposit or bonds of the Dominion of Canada or Province of Ontario. The Company when not in default shall be entitled to such Bank interest on cash deposited as security as the Commission procures for the same when on deposit and such interest on the Dominion of Canada bonds and/or on the Province of Ontario bonds as shall be paid thereon by the Dominion of Canada or the Province of Ontario respectively. The amount of such security shall be Six Hundred Thousand Dollars (\$600,000.00).

8. THE COMPANY AGREES:

Without limiting the power or right of the Commission to resort to the security specified in clause 7 for complete performance of this agreement by the Commission, the Commission may have recourse to the said security to indemnify itself against and reimburse itself for any and all law costs to which it may be rendered liable by reason of any matter or thing arising from these presents, the said power agreement with the Company, any agreement relating to Replacement Power, and also in respect of all cost and expense which it may incur in respect of restoring the normal waterflow in the said Seine River through Steep Rock Lake:

9. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company, Limited and other matters as therein provided;
- (b) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) contract between Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to certain obligations undertaken by Steep Rock Iron Mines Limited and other matters as therein provided;

and given Royal Assent, whereupon this agreement shall become binding and shall have effect in accordance with its terms.

Provided that when this agreement has become binding in accordance with the foregoing it shall continue in force until the termination of the said Steep Rock Power Agreement between the Company and the Commission and the Replacement Power Agreement, or whichever of the said two agreements continues in force for the longer period:

IN WITNESS WHEREOF the Company and the Commission have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

STEEP ROCK IRON MINES, LIMITED

D. M. HOGARTH,
President.

(Seal)

G. G. BLACKSTOCK,
Secretary-Treasurer.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG,
Chairman.

OSBORNE MITCHELL,
Secretary. (Seal)

SCHEDULE D

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate the 10th day of April, 1942.

BETWEEN:

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY LIMITED (hereinafter called "the Ontario-Minnesota Company")

OF THE FIRST PART

STEEP ROCK IRON MINES LIMITED (hereinafter called "the Steep Rock Company")

OF THE SECOND PART

—and—

THE SEINE RIVER IMPROVEMENT COMPANY LIMITED (hereinafter called "the Seine River Company")

OF THE THIRD PART

WHEREAS the Ontario-Minnesota Company has entered into or is about to enter into a contract of even date herewith between The Hydro-Electric Power Commission of Ontario and the Ontario-Minnesota Company to which the Seine River Company is also a party (hereinafter referred to as "the Hydro—O-M power contract") providing among other things for the supply to the Ontario-Minnesota Company by The Hydro-Electric Power Commission of Ontario (hereinafter called "the Commission") free of charge of replacement power as in said agreement defined and provided;

AND WHEREAS there are certain other matters referred to or arising out of the said agreement which the parties hereto have agreed should be the subject matter of this present agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, it is hereby agreed by and between the parties hereto as follows:

1. The Steep Rock Company in the exercise of such rights as may be conferred upon it by the Minister of Lands and Forests or which it may otherwise obtain to construct the Seine Diversion as defined in the Hydro—O-M power contract will so control or cause to be controlled the construction of the Seine Diversion that the operation of the Moose Lake plant and the flow of water through the Moose Lake plant will not be interfered with, except subject to the conditions and as contemplated in the Hydro—O-M power contract and in particular will at all times cause such construction of the Seine Diversion to be carried on subject to the orders of and the control of the Commission to the extent if any that the Commission may wish to direct.

2. The Steep Rock Company will not permit the gates of the Seine Diversion to be opened or otherwise permit water to pass through the Seine Diversion prior to the completion thereof unless and until it shall have been authorized and directed so to do by the Commission, and agrees upon the completion of the Seine Diversion to turn over the control and operation of the Seine Diversion to the Ontario-Minnesota Company as and when directed by the Commission.

3. The Steep Rock Company agrees that so long as the operation of the Moose Lake plant shall be suspended under the terms of the Hydro—O-M power contract, the Ontario-Minnesota Company or any corporation or person succeeding to the ownership of the Seine River properties shall have the continued right to operate and control the gates of the Seine Diversion, and thereafter until the balanced flow of the Seine River through Steep Rock Lake is restored shall together with the Commission have joint control of said gates; such operation and control to be at the sole expense of the Ontario-Minnesota Company or of its successor or transferee, but with the obligation on the part of the Steep Rock Company as may be required by the Commission at its own expense to maintain or cause to be maintained the said gates and control works and water passages of the Seine Diversion during the period within which the operation of the Moose Lake plant shall be suspended, and that at the expiration of the aforesaid period of joint control the Seine Diversion may be permanently closed against the discharge through the said Seine Diversion of the waters of Moose Lake.

4. On the entering into of the Hydro—O-M power contract the Ontario-Minnesota Company has claimed that the replacement power to be furnished to the Ontario-Minnesota Company thereunder will not adequately compensate the Ontario-Minnesota Company for certain disadvantages in contemplation or apprehended or not now in contemplation but which may arise as a result of the disturbance in the operation of the Seine River properties and the arrangement entered into in connection therewith as set out in the Hydro—O-M contract, the nature and effect of which disadvantages it is not now possible fully to determine. The Steep Rock Company agrees that it will, on the request of the Ontario-Minnesota Company on the expiration of five years from the date hereof, appoint a representative to act with a representative to be appointed by the Ontario-Minnesota Company to determine what additional provision, if any, should be made by the Steep Rock Company to compensate the Ontario-Minnesota Company for such disadvantages as aforesaid and the anticipated continuance thereof during the life of the Hydro—O-M power contract. If such representatives shall agree upon the amount of such provision, if any, or that under the circumstances no such provision need be made, such agreement shall be final and binding on the parties. If such representatives fail to reach such agreement within sixty days of the making of the request aforesaid or if at the request of the other either party shall have failed to appoint a representative, either party may request an appointee of the Commission to join with the representative or representatives so appointed in such determination and the decision of the persons so appointed or a majority thereof shall be final and conclusive and binding on the parties. Any provision agreed upon or determined upon as aforesaid shall be expressed as a sum of money and the Ontario-Minnesota Company shall have the option of requiring such sum to be paid to it in cash or at its election to be satisfied by the delivery by the Commission to the Ontario-Minnesota Company of additional replacement power without charge to the Ontario-Minnesota Company. Such additional replacement power shall, however, for the purposes of satisfying such provision be calculated as having a value of \$19 per horsepower per annum and may be taken by the Ontario-Minnesota Company at such times and in such quantities as may be agreed between the Ontario-Minnesota Company and the Commission. Such agreement or determination as aforesaid shall finally dispose of all claims of the Ontario-Minnesota Company for additional provision in respect of the matters aforesaid.

5. The Ontario-Minnesota Company hereby agrees that the complete performance by the Commission of its obligations under the Hydro—O-M power contract and the observance by the Steep Rock Company of its agreements and obligations hereunder will be accepted by the Ontario-Minnesota Company in full satisfaction of all claims which it might assert by reason of the disturbance of and damage to the operation of the Seine River properties in accordance herewith and in accordance with the provisions of the Hydro—O-M power contract including the loss of power to the Ontario-Minnesota Company.

6. The Ontario-Minnesota Company agrees that it will within three months after the close of each fiscal year commencing with the year in which the operation of the Moose Lake plant shall be suspended and

continuing so long as the operations of the Moose Lake plant shall be suspended present to the Steep Rock Company a statement in reasonable detail showing the amount of the savings resulting from the discontinuance of the operation or from the restricted operation of the Moose Lake plant over the expense which would have accrued had the full operation thereof been continued during the whole of such year. Such savings shall include such reasonable expense for normal maintenance of the existing Moose Lake dam and works appurtenant thereto as may be incurred by the Steep Rock Company, but any credit given to or withheld from the Steep Rock Company in respect of such item shall not affect or diminish its obligations and liability under paragraph 7. The Steep Rock Company shall be entitled to examine the books and records of the Ontario-Minnesota Company to establish the correctness or otherwise of such statement, and, if the correctness of such statement is disputed by the Steep Rock Company, the Steep Rock Company shall be entitled within thirty days after the receipt of such statement by it to have the said statement and supporting data reviewed by a representative of the Commission, whose decision shall be final. The amount of the savings shown by such statement or the amount determined by such representative of the Commission, as the case may be, shall be paid by the Ontario-Minnesota Company to the Steep Rock Company within fifteen days from the date when the correctness of the statement is acknowledged or the amount is determined by the representative of the Commission, as the case may be.

7. The Steep Rock Company hereby assumes to the exoneration of the Ontario-Minnesota Company and the Seine River Company and any corporation or person succeeding to its ownership of the Seine River properties all liability for claims or suits of every character, by whomsoever asserted, arising or growing out of or based upon any escape of water from Moose Lake during the time in which the operation of the Moose Lake plant shall be suspended as provided in the Hydro—O-M power contract. The Steep Rock Company at its own expense will at all times cause Moose Lake dam and works appurtenant thereto and the substructure thereof and underlying rock and earth to be reinforced or otherwise protected and augmented to such extent as may be necessary to insure that there will be no substantial escape of water from Moose Lake into the area now occupied by Steep Rock Lake and will so long as the operation of the Moose Lake plant is suspended, maintain such protective works and shall be entitled at all reasonable times to enter upon the premises of the Ontario-Minnesota Company and of the Seine River Company for such purpose. The Steep Rock Company shall also be entitled from time to time at its own expense to erect and maintain other protective works designed to prevent or insure against the escape of water from Moose Lake into the area now occupied by Steep Rock Lake provided the same are consistent with the maintenance of such conditions as may be required in furtherance of the Hydro—O-M power contract. The Steep Rock Company further agrees that it will at its own expense hold harmless, defend and protect the Ontario-Minnesota Company and the Seine River Company and any corporation or person succeeding to its ownership of the Seine River properties against any and all claims or suits of every character by whomsoever asserted based upon escape of water as aforesaid.

8. The Steep Rock Company agrees that so long as the operations of the Moose Lake plant are suspended it will not permit or suffer any buildings or erections to be constructed or maintained within the basin of Steep Rock Lake, except such buildings or erections as may be necessary for its own operations and in particular will not permit the erection of any quarters or dwellings for staff or others and that in accordance with the provisions of the Hydro—O-M power contract the Steep Rock Company will within such time as shall be prescribed by the Commission remove or shall cause to be removed from the basin of Steep Rock Lake all buildings, machinery, equipment, plant and chattel property and in default of such removal the Steep Rock Company shall assume all damage sustained by any such property so remaining upon the premises and shall also remove or cause to be removed any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of the said Lake or with operations of the Steep Rock Company therein which would affect the restoration of the normal flow of Seine River waters through the said Lake and at the same time shall remove such protective works as may have been placed in Moose Lake or in the water

passages leading to the Moose Lake plant if such removal shall be requested by the Commission or by the Ontario-Minnesota Company.

9. The Steep Rock Company agrees that it will at the expense of the Ontario-Minnesota Company from time to time support and/or concur in any application made by the Ontario-Minnesota Company and/or the Seine River Company while the Hydro—O-M power contract is in force for the renewal of any rights or privileges affecting the Seine River properties including in particular any renewal or renewals of water power lease No. 28.

10. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

and given Royal Assent whereupon this agreement shall become binding and shall have effect in accordance with its terms.

The benefit and obligation of this agreement shall enure to and be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF this agreement has been executed by the parties hereto under their respective corporate seals.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

by R. H. M. ROBINSON,
President.

R. D. MAIN,
Secretary C.S.

STEEP ROCK MINES LIMITED

by D. M. HOGARTH,
President.

G. G. BLACKSTOCK,
Secretary C.S.

THE SEINE RIVER IMPROVEMENT
COMPANY LIMITED

by R. H. M. ROBINSON,
President.

R. D. MAIN,
Secretary C.S.





BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

1st Reading

April 13th, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 61

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

**An Act respecting The Hydro-Electric Power Commission of Ontario,
Steep Rock Iron Mines Limited and The Ontario-Minnesota
Pulp and Paper Company Limited.**

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain
contracts
declared
legal and
valid.

1. Notwithstanding anything contained in *The Power Commission Act*, or any other Act of this Legislature,—

- (a) the contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, set out in Schedule A hereto, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) the contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, set out in Schedule B hereto, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) the contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, set out in Schedule C hereto, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and
- (d) the contract between The Ontario-Minnesota Pulp and Paper Company Limited, Steep Rock Iron Mines Limited and The Seine River Improvement Com-

pany Limited dated the 10th day of April, 1942, set out in Schedule D hereto, relating to certain obligations undertaken by Steep Rock Iron Mines Limited and to certain matters mentioned in the contract referred to in clause *c* of this section and other matters as therein provided,

when executed by the parties are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns.

2.—(1) In the event of default by Steep Rock Iron Mines Limited in respect of its obligations under the agreement set out in Schedule C, The Hydro-Electric Power Commission of Ontario is authorized, empowered and directed to re-open or cause to be re-opened the power plant referred to as the Moose Lake power plant, in the agreements set out in the schedules hereto or otherwise to restore the normal water flow in the Seine River.

(2) Any losses or profits arising from the agreements set out in Schedules A, B and C, and losses arising out of indemnities or guarantees given by The Hydro-Electric Power Commission of Ontario under the agreement set out in Schedule A, shall be charged or credited to the account for Northern Ontario Properties of The Hydro-Electric Power Commission of Ontario under the agreement entered into by The Hydro-Electric Power Commission of Ontario with His Majesty the King under section 47 of *The Power Commission Act*, dated June 30th, 1933, or any other agreement made thereunder.

3. The Ontario-Minnesota Pulp and Paper Company Limited or any corporation or person succeeding to the ownership of the Seine River properties as defined in the contract referred to in clause *a* of section 1 either alone or together with The Hydro-Electric Power Commission of Ontario shall be entitled as provided in the said contract to operate and control the gates of the Seine Diversion as defined in the said contract; and no action shall be brought or be maintainable against The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns or The Seine River Improvement Company Limited or any corporation or person succeeding to its ownership of the said Seine River properties in respect of any claim arising or growing out of or based upon any escape of water from Moose Lake into any part of the area at the date of the coming into force of this Act covered by Steep Rock Lake during the time in which the operation of the Moose Lake plant as defined in the said contract shall be suspended under the terms of the said contract; it being hereby declared and provided that Steep

Rock Iron Mines Limited, its successors and assigns shall be liable and that neither The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns, nor The Seine River Improvement Company Limited nor any corporation or person succeeding to its ownership shall be liable in respect of any such claims aforesaid and that all actions, if any, upon any such claim shall be maintainable against Steep Rock Iron Mines Limited, its successors and assigns; and such powers of expropriation as were exercisable by The Seine River Improvement Company Limited at the time when this Act comes into force for the purpose of acquiring title to or rights of way or easements over tracts of land crossed by the existing transmission line of The Seine River Improvement Company Limited may be validly exercised by The Ontario-Minnesota Pulp and Paper Company Limited in the same manner and to the same extent as if Part XIII of *The Companies Act* applied to The Ontario-Minnesota Pulp and Paper Company Limited.

Commence-
ment of
agreements.

4. Notwithstanding anything contained in the agreements set out in Schedules A, B, C and D, the said agreements shall not become binding upon the parties thereto until the day upon which this Act shall come into force.

Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation, provided that no such Proclamation shall be issued after the 31st day of July, 1942, or shall name a day after the 31st day of July, 1942.

Short title.

6. This Act may be cited as *The Steep Rock Iron Ore Development Act, 1942*.

SCHEDULE A

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in triplicate the 10th day of April, A.D. 1942;

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY,
LIMITED, hereinafter called the "Company"

OF THE SECOND PART

—and—

THE SEINE RIVER IMPROVEMENT COMPANY, LIMITED,
hereinafter called the "Seine River Company"

OF THE THIRD PART.

WHEREAS the Commission acting under *The Power Commission Act*, R.S.O. 1937, Chapter 62, and amendments thereto, is willing to enter into an agreement for the supply of electrical power on the terms and conditions herein contained;

AND WHEREAS the Company is duly incorporated under the laws of the Province of Ontario and is operating a pulp and paper plant at the Town of Fort Frances in the District of Rainy River, in the Province of Ontario, with head office at the Town of Kenora, in the said Province, and whereas the Seine River Company, a wholly owned subsidiary of the Company, is operating a power plant and development at the head of Steep Rock Lake in the said District of Rainy River, hereinafter referred to as the "Moose Lake Plant", for the purposes of the Company, and is also operating power plants and developments at Calm Lake and Sturgeon Falls with terminal facilities at Fort Frances, all in the said District of Rainy River for the purposes of the Company, the said power plants and developments being hereinafter referred to as the "Seine River Properties"; and whereas Steep Rock Iron Mines Limited, a Company incorporated under the laws of the Province of Ontario, proposes to develop and operate mining properties in the vicinity of the said Moose Lake Plant, and for such purpose proposes to de-water Steep Rock Lake and divert and interfere with the natural flow in the Seine River through Steep Rock Lake, the said diversion and interference and the completed works related thereto being hereinafter referred to as the "Seine Diversion";

AND WHEREAS the Company proposes to acquire substantially the whole of the assets of the Seine River Company and following such acquisition to cause the Seine River Company to be dissolved or liquidated;

AND WHEREAS said Seine Diversion will render it impractical for the Seine River Company to operate its said Moose Lake plant, and it is proposed that the Commission should supply the Company with electric power to replace the power which would otherwise be developed by the Seine River Company at the said Moose Lake plant; which said power is hereinafter called "replacement power";

AND WHEREAS the Seine Diversion will require the cessation of the operation of the Moose Lake plant, and thereby cut off the power which otherwise might be developed by the said plant; and whereas the reopening of the said Moose Lake plant will temporarily interfere with the water-flow at the said Calm Lake and Sturgeon Falls plants, and may thereby partially curtail the development of power by those plants;

AND WHEREAS the Seine Diversion and mining operations will not involve the removal of the said Moose Lake plant, but will prevent the discharge of water from the said plant, and render its use impractical for the generating of power, and it is proposed to maintain the said plant in such condition that its operation may be resumed if and when the said water discharge is again available, and to maintain the electrical equipment therein in operating condition so that the generating units may be utilized to perform the duties of synchronous condensers if so desired;

AND WHEREAS the Commission by an agreement of even date has made arrangements with Steep Rock Iron Mines, Limited, for payment and security therefor in respect of the said replacement power;

AND WHEREAS the Company may desire to take and the Commission may desire to supply power additional to the replacement power upon the terms hereinafter set forth, which said additional power is hereinafter referred to as "supplementary power";

AND WHEREAS to supply power hereunder it will be necessary to utilize a transmission line between the Commission's Port Arthur Transformer Station at or near the City of Port Arthur and the said Moose Lake plant, which said transmission line is to be constructed by the Commission for Steep Rock Iron Mines, Limited, and paid for and owned by Steep Rock Iron Mines, Limited; and it may be desired to install and use synchronous condenser equipment at the said Moose Lake plant or to use generating equipment at the said Moose Lake plant as synchronous condensers, and also to use the facilities of the Seine River Company's other generating plants for such purpose;

AND WHEREAS the said Seine River properties generally consist of three Hydro-Electric plants, commonly known as the Moose Lake, Calm Lake and Sturgeon Falls plants, along the course of the Seine River located upon the parcels of land described in that certain lease (hereinafter referred to as water power lease No. 28) granted by His Majesty the King and dated the 29th day of April, 1927, which lease provides rights of renewal for successive terms of twenty-one years each, the last of such terms to expire on the 31st day of March, 1989;

AND WHEREAS the Commission in an agreement of even date herewith between the Commission and Steep Rock Iron Mines, Limited (hereinafter referred to as "the Steep Rock Company") has undertaken to supply electric power (hereinafter sometimes referred to as Steep Rock power) to the Steep Rock Company for the operations of the latter in dewatering Steep Rock Lake and in mining;

AND WHEREAS the parties have agreed that the foregoing recitals shall be conclusively deemed to be correct and shall not be open to question by any of them as evidenced by their execution of this agreement;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the mutual and respective covenants and agreements of the parties and other considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES: .

To reserve for and deliver to the Company without charge to the Company up to Ten Thousand Five Hundred Horsepower (10,500 H.P.) subject to variation as hereinafter provided in Clauses 3, 4 and 5 hereof of electrical power and energy as replacement power under the conditions and at the point of delivery herein specified, such delivery to commence on a date and hour to be designated in a written notice to be given to the Company by the Commission (which date and hour are hereinafter referred to as "the Commencement Date"); such notice shall be delivered to the Company at least five (5) days in advance of the Commencement Date therein designated, but shall in no event be given before the Commission is fully prepared to deliver the full requirements of replacement power hereunder, or later than the 1st day of July, 1945 (unless a later date be concurred in by the Company), and in default of the giving of such notice within said period of time or such period of time as extended, this entire agreement shall be of no further force or effect:

2. THE COMPANY AGREES:

That upon receipt by it of the notice given under the conditions set out in Clause 1 hereof, it will regulate the output of the said Moose Lake plant according to the Commission's directions, and will at the appropriate time close, and at all times thereafter cause to be kept closed, until March 31, 1989, or until termination of the rights of the lessee under said water power lease No. 28, or until the Moose Lake plant shall be restored to operation pursuant to the provisions of Clause 28 hereof (whichever shall be the earlier date) the gates in the Moose Lake plant, and in the dam maintained in connection therewith, so as to stop the flow of water through the said plant and dam into Steep Rock Lake, provided, however, that the Company shall not be required to take any such action unless contemporaneously therewith the Commission shall commence delivery of said replacement power at the point of delivery and until the control and operation of the gates of the Seine Diversion shall be turned over to the Company:

3. Notwithstanding Clauses 1 and 2, the parties recognize that there will be a short period of transition from the undisturbed basis of operation of the Seine River properties to the basis which will be established after the Seine Diversion is in operation; it is recognized that during such period the output of the Seine River properties may be interfered with; the parties agree that during such period the Company shall be entitled to receive a maximum amount of replacement power which, together with the quantity from time to time available from the Seine River properties, will be equal to the total amount of power which would have been available had undisturbed conditions continued; the parties agree to co-operate in the various operations involved in this transition to give effect to the foregoing; the transition period shall commence as soon as any interference with the output of the Seine River properties occurs and shall terminate on a date to be fixed by the Commission by notice to the Company, which notice shall be given and which date shall be fixed as early as is reasonably practicable:

4. The Commission agrees that if, in accordance with the provisions of paragraph 4 of a certain agreement of even date herewith between the Company and the Steep Rock Company, and the Seine River Company, it shall be determined as therein provided that the Company is entitled to and the Company shall elect to receive additional replacement power and shall give to the Commission notice of such election, the Commission will furnish such additional replacement power without charge to the Company in such amount as shall be determined in accordance with the provisions of the said agreement, which amount of additional replacement power shall be added to the Ten Thousand Five Hundred Horsepower (10,500 H.P.) agreed to be furnished by the Commission under Clause 1:

5. The Commission agrees that upon the restoration of the Moose Lake plant to operation, pursuant to the notice referred to in Clause 26 hereof or otherwise and until the normal waterflow in the said Seine River through Steep Rock Lake is restored it will continue to furnish replacement power, without charge to the Company, in an amount which shall be equal to the Ten Thousand Five Hundred Horsepower (10,500 H.P.) specified in Clause 1, or Ten Thousand Five Hundred Horsepower (10,500 H.P.) increased in accordance with Clause 4, plus the amount by which the amount of power available from the Calm Lake and Sturgeon Falls plants is reduced on account of said restoration, and minus the amount of power which during the period of restoration shall be available at the Moose Lake plant:

6. In addition to the said replacement power to be supplied pursuant to Clause 1, 3, 4 and 5 inclusive, the Commission also agrees to deliver additional power hereinafter called "supplementary power" to the Company upon the request of the Company from time to time, but only when and in such amounts and for such periods as the Commission is willing to supply and the Company is willing to take it and subject to reduction and/or interruption in whole or in part by the Commission at any and at all times and for such duration of time as the Commission in its sole discretion may from time to time will and direct:

7. The Commission agrees to deliver all power hereunder at the point of delivery herein defined as the 110,000 volt bus in the Company's Moose Lake plant:

8. The Commission agrees to deliver the replacement power as commercially continuous, twenty-four (24) hour power every day in the year except as provided for in this agreement, and to deliver the Supplementary power pursuant to the provisions of clause 6:

9. The Commission agrees that such changes in or additions to the electrical equipment of the Seine River properties as may be required to enable the Company to receive and control power hereunder without interfering with the power operations of the Seine River Company and/or the Company shall be provided and installed by the Commission before the commencement date at the sole expense of the Commission (provided that such equipment shall not thereby become the property of the Seine River Company, its successors or assigns) and to the extent that any such equipment is so provided and installed the same may be removed by the Commission in accordance with the provisions of Clause 20;

The Commission agrees to use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so that the service rendered to the Company shall be in accordance with appropriate commercial standards:

10. If in any month the Company takes power so that the average or integrated demand for any thirty (30) consecutive minutes is in excess of Ten Thousand Five Hundred Horsepower (10,500 H.P.) or the amount to which the said Ten Thousand Five Hundred Horsepower (10,500 H.P.) has been varied under the provisions of clauses 3, 4 and 5 or any of them such excess shall be deemed to be supplementary power, except to the extent that such taking is due exclusively to inadvertence, accident, exigencies created by operation of systems in parallel, or other cause reasonably beyond the control of the Company. The taking of such excess shall not thereby constitute an obligation on the part of the Commission to reserve and/or deliver power increased to any extent over its obligations under clauses 1, 3, 4 and 5 but for such month the Company shall pay for supplementary power as if such excess had been taken for the whole month, but such payment shall not confer upon the Company any right to take such or any excess power free from the restrictions thereon specified in clause 6:

11. All power delivered under this agreement shall be alternating three-phase having a frequency of approximately Sixty (60) cycles subject to ordinary variations of approximately five percent (5%) and a nominal voltage of approximately One Hundred and Ten Thousand volts (110 kv.) which nominal voltage it is agreed is in magnitude only commercially suitable for the operation in parallel of the Seine River Company's system with that of the Commission;

Because the Seine River Company's system includes generating plants which will be operated in parallel with the Commission's system supplying power hereunder, the Seine River Company agrees to so operate its own plants to the extent possible with its equipment installed, to assist the Commission to maintain at all times the said voltage specified hereinabove; and such other equipment or facilities necessary to enable the Commission to fulfill its obligations hereunder in respect of voltage shall be supplied by the Commission;

If it should be desired by the Commission the Seine River Company shall during the term of this agreement operate and maintain the electric generating units in its said Moose Lake plant as synchronous condensers, charging the Commission the actual cost of converting the said electric generating units for such purpose;

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include "energy";

One horsepower shall be equivalent to Seven Hundred and Forty-six Watts (746 W.):

12. THE COMPANY AGREES:

(a) To make all payments to be made to the Commission under this agreement in lawful money of the Dominion of Canada, at Toronto, and to pay in monthly payments to the Commission on the Twentieth (20th) day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the Tenth (10th) day, or if the bill be rendered after the Tenth (10th) day, then Ten (10) days after the date of rendering; provided that all payments in arrears after the said date for payment shall bear interest at the rate of five percent (5%) per annum;

12. (b) At all times to take and use or cause to be taken and used the power in such manner that the power factor (that is, the ratio of the kilowatts to the kilovolt amperes, determined simultaneously at the point of measurement) shall be as near as practicable to that necessary to enable the Commission to deliver the power hereunder at the voltage prescribed in clause 11 hereof, within the limits of the installed equipment of the Company and the Seine River Company;

To control and cause the Seine River Company to control power factor in such manner as is necessary to give effect to the foregoing provisions of this clause 12 (b);

13. THE COMPANY AGREES:

To pay to the Commission in monthly payments for all power delivered to or taken by the Company in any month in the following manner, namely:

- (a) From the greatest average or integrated amount of power delivered to or taken by the Company for any 30 consecutive minutes in any month as determined from the indications of the Commission's metering equipment hereinafter referred to shall be deducted the ten thousand five hundred (10,500) horsepower of replacement power provided for under clause 1 hereof or the amount of replacement power as varied from time to time in accordance with the provisions of clauses 3, 4 and 5 hereof, and the balance of such power shall be deemed to be supplementary power. All supplementary power so determined shall be paid for by the Company at the rate of nineteen dollars (\$19.00) per horsepower per year for the first one thousand (1,000) horsepower thereof, and the rate of twenty-four dollars and twenty cents (\$24.20) per horsepower per year for all such power in excess of the said first one thousand (1,000) horsepower.
- (b) From the total number of kilowatt-hours delivered to or taken by the Company in any month as indicated on the Commission's metering equipment hereinafter referred to shall be deducted an amount of energy which is equivalent to the said greatest average or integrated demand referred to in clause 13 (a) calculated at a monthly load factor of 85%, and the balance shall be deemed to be excess energy hereunder, and shall be paid for by the Company at a rate of three and one-half (3½) mills per kilowatt-hour.
- (c) Notwithstanding the foregoing provisions of clauses 13 (a) and 13 (b) the Company shall not be obliged in any event to pay to the Commission for replacement power:

14. THE COMPANY AND THE SEINE RIVER COMPANY AGREE:

(a) To take the power covered by this agreement in accordance with the terms hereof and to discontinue or decrease taking supplementary power when required by the Commission to do so, and to prepare for the receipt and use of the said power so as to be able to receive power at the time or times when the Commission is required to deliver the same pursuant to the provisions hereof.

(b) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as

practicable, and in any event with the difference between any two phases not greater than five percent (5%), and if at any time the difference between any two phases be increasing so as likely to exceed, or should exceed the said five percent (5%), to so adjust their load upon instructions from the Commission as to comply with this requirement.

(c) To continue to provide the existing electrical apparatus, equipment and works from the point of delivery, and to maintain and operate the said electrical apparatus, equipment and works in a manner satisfactory to the Commission; provided that the Company shall not be obligated to obtain or furnish any additional electrical apparatus, equipment or works save replacements.

(d) To use at all times suitable standard commercial machinery, plant and works in addition to the said electrical works and to operate and maintain the said machinery, plant and works so as to cause minimum disturbance to or fluctuation in the Commission's power supply, or facilities used by the Commission to supply power hereunder, and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Company along with the said power supply and facilities.

15. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment, including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall if necessary be provided, installed and maintained commercially correct by the Commission;

(b) The greatest average or integrated amount of power delivered to or taken by the Company for any thirty (30) consecutive minutes in any month determined from coincident readings of the said meters, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Company in the said month;

(c) The point of measuring the power covered by this agreement shall be as near as practicable to the point of delivery;

(d) Whenever the said measuring equipment is connected at other than the point of delivery the readings shall be subject to correction and shall be corrected to give results such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission;

(e) The records from the said meters shall be taken and recorded by the Company on forms supplied or approved by the Commission and when and as directed by the Commission. These records shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company at all reasonable times for inspection and information;

(f) The Company or the Seine River Company shall provide free of charge a safe and suitable location to be approved by the Commission on the premises of the Company or the Seine River Company for the installation of the Commission's measuring equipment; and protective equipment, switching equipment, relays and other terminal equipment provided by Steep Rock Iron Mines, Limited, for the purpose of enabling it to take power from the Commission and/or for the purpose of enabling the Commission to supply power hereunder;

(g) The Commission may test, calibrate, adjust, remove or change said measuring and other equipment or any part thereof at any reasonable time, but when possible the Company shall be advised at least three (3) days in advance of the Commission's intention so to do;

(h) The Company shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Company's desire to test such measuring equipment;

(i) The Commission shall repair or replace and retest defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

(j) Access to any measuring equipment and to any apparatus, equipment and works belonging to the Commission, or Steep Rock Iron Mines, Limited, and on the property of the Company shall be free to the representatives of the Commission at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal, and the said representatives may do any of these things;

(k) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 15, and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment, except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts.

16. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein, and a fulfilment of all the operating obligations of the Commission under this agreement. It is understood and agreed that in operation of plants in parallel the control of power factor, voltage and delivery of power is to a large extent within the control of the operators in those plants, and the Company and the Seine River Company agree that to the extent that they are able with their equipment installed, and their load, they will so operate their plants and their load as to assist the Commission in fulfilling its obligations hereunder;

(b) In case the Commission shall, at any time or times, be prevented from delivering said replacement power, or any part thereof, by strikes, lockouts, riots, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, act of God, the King's enemies, order or regulation of the Dominion of Canada, or any other similar cause or causes reasonably beyond its control, then to the extent of such prevention, the Commission shall not be bound to deliver power during such time. The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption is removed, the Commission shall, without any delay, deliver said replacement power as aforesaid;

(c) The Commission shall have the right at all reasonable times and when possible after reasonable notice has been given to the Company to discontinue, to the extent deemed necessary by the Commission, the supply of replacement power hereunder for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works used for the delivery of power hereunder, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Company; and the Company shall not thereby be released from any obligation under this agreement;

(d) If the Company or the Seine River Company at any time fail in the performance of any of their obligations affecting electrical operation under this agreement, including without limiting the generality of the foregoing, taking power in excess of the maximum hereunder or taking supplementary power when requested by the Commission not to take such power, the Commission may give notice thereof to the Company or to the Seine River Company, which notice may be given by telephone to an employee of the Company or the Seine River Company by a representative of the Commission and the Company or the Seine River Company shall immediately remedy the said failure; in case of continued failure, then the Commission may discontinue delivery to the Company of all power or of any part thereof, and shall not be obliged to resume delivery to the Company until the Company shall have given to the Commission sufficient

assurance that such failure will not recur; in such case the Company shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement;

17. The Company and the Seine River Company hereby grant to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of their respective lands as may be necessary or expedient to the Commission for the supply of power to the Company, the location thereof to be satisfactory to the Company; the said rights, wayleaves and easements to be for the term of this agreement and thereafter until ninety (90) days' written notice from the Company to remove the Commission's works shall have been given and shall have expired; If the Company requires relocation of the Commission's works, the Company shall furnish on its lands an equivalent location; The Commission shall do the work of relocation and the Company shall pay the cost up to the extent such works supply power to the Company;

18. One or more representatives or engineers of the Commission appointed for this purpose, may at any reasonable time during the continuance of this agreement, have access to the Seine River Company's premises to inspect the works therein for the purposes hereof and to take records therefrom as required hereunder, and may do any of these things.

19. The Company and the Seine River Company shall assume all risk of and liability for and be responsible for any and all injury, damage and loss to property of the Commission on the premises of the Company or the Seine River Company respectively, or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement, or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission; The Company and the Seine River Company shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith:

20. The Commission shall be entitled at any time prior to the expiration of ninety (90) days' notice in writing from the Company delivered after the termination of this agreement and the last extension thereof to remove from the premises of the Company and the Seine River Company, any and all apparatus, equipment and works which may have been installed by the Commission under or in connection with this agreement:

21. If after termination of this agreement power be taken by the Company from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement, provided that replacement power should be paid for at a rate to be agreed upon on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Company any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Company and the Company shall not be obliged to take power after the termination of this agreement:

22. Any waiver by any party or failure by it to exercise its rights or enforce any of its remedies hereunder shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement, or in any other way affect the validity of this agreement or estop such party from pursuing any other remedy it may have and all rights and remedies of either party may be exercised and continued concurrently or separately:

23. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this agreement or concerning anything herein contained or hereby provided for or arising herefrom of or as to the rights, liabilities or duties of the Commission and the Company and the Seine River Company or any of them, the same shall forthwith be referred to arbitration under *The Arbitration Act* of the Province of Ontario and shall

be determined in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario and when possible in a summary manner. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company and the Seine River Company respectively, except that any of them may appeal from, move to set aside, vary or refer back any award as provided in the said Arbitration Act, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited; No such disagreement, dispute, difference or question shall entitle the Commission (pending the determination of the dispute by arbitration as aforesaid) to withhold delivery of replacement power:

24. The Commission hereby consents to the conveyance and transfer of the assets of the Seine River Company to the Company subject to the assumption by the Company of the obligations of the Seine River Company to the Commission under the provisions of this agreement; and upon the Company furnishing the Commission with evidence that the Company has acquired the assets of the Seine River Company on the terms aforesaid the direct obligation of the Company shall thereupon be substituted for the obligations of the Seine River Company hereunder without further formality; and the Seine River Company shall upon the furnishing of such evidence be and be deemed to have been released from all further obligations or liability under this agreement, and the Company shall thereupon succeed to all the rights and obligations of the Seine River Company under this agreement and where the context permits reference to the Seine River Company herein shall be construed as if the Company alone were named, and the provisions of this agreement shall be deemed to have been amended accordingly; The Commission hereby consents, upon such conveyance and transfer being made, to the surrender of the charter or other dissolution of the Seine River Company, and further agrees with the Company to furnish such additional consent or release of the Seine River Company as the Company may require for the purposes aforesaid.

25. As further consideration for the entering into of this agreement by the Company and in order to assure to the Company full reimbursement of all loss, costs, damages and expenses which the Company may incur or suffer by reason of the Seine diversion arising out of taxes, assessments, levies or charges as hereinafter referred to, the Commission agrees from time to time to pay to the Company on demand without right of reimbursement such sum or sums as may be equal to any and all present or future taxes (including sales taxes) assessments, levies or charges, governmental, municipal or otherwise, which may be imposed on or become payable by the Company, or which may be imposed on or become payable by the Commission and/or others, and become payable by the Company or which would otherwise increase the burden of the Company in respect of its requirements for replacement power hereunder; and which would not have been imposed on or become payable by the Company or otherwise have increased the burden of the Company in respect of the receipt by it of replacement power, if it had been generating such power for its own use by means of a plant wholly owned and operated by it;

The foregoing shall not apply or relate to the supply of supplementary power and/or excess energy:

26. The delivery of replacement power hereunder when commenced shall be continuous until March 31, 1989, or until the rights of the Lessee as from time to time renewed under said water power lease No. 28 shall have expired or until the Moose Lake plant shall be restored to operation pursuant to the provisions of clause 28 hereof or so long as the Company or any successor or transferee thereof shall require such power for its use or that of others, whichever shall be the earliest date; provided that the Commission shall be relieved of its obligation to furnish power hereunder if and when the Commission shall give notice to the Company, or to any successor or transferee thereof who may at the time be the owner of the said Seine River properties directing and requesting that the Moose Lake plant be restored to operation and the Commission shall have fully complied with its obligations under the provisions of clause 5.

27. In the event that the Commission shall give the notice referred to in clause 26 hereof, it shall be obligated, at its own cost and expense, to hold harmless, defend and protect the corporation or person to whom such notice is given against any and all claims and/or suits of every character by whomsoever asserted on account of the flowing of water pursuant to said notice through the Moose Lake plant into Steep Rock Lake and upon properties affected thereby, or on account of the reduction in or discontinuance of the flow of water through the Seine diversion, occasioned thereby, and against all loss, costs, damages and expenses arising from such claims and suits; and shall forthwith remove or cause to be removed, without cost or expense to the Company or to its successors or assigns, any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of said lake or with mining operations therein which affect the restoration of the normal flow of Seine River waters through said lake.

28. The Company agrees that upon receipt of the notice referred to in clause 26 hereof it will forthwith cause the Moose Lake plant to be restored to operation, or in the event it shall be restrained from so doing by Court or Governmental order it will, upon such restriction being removed, forthwith cause the Moose Lake plant to be restored to operation.

29. Wherever in this agreement it is provided that notice may be given by either party to the other, such notice shall be in writing, shall be signed by the party giving such notice, and if such party is a corporation, by an officer thereof, and shall be deemed given to the party to whom such notice is directed when delivered at the address of such party given below, and a copy thereof shall have been forwarded by registered mail addressed to the party to whom such notice is directed; Until otherwise directed by the respective parties, notices to the Company or to the Seine River Company shall be addressed as follows:

The Ontario-Minnesota Pulp and Paper Company, Limited,
1100 Builders Exchange Building,
Minneapolis, Minnesota.

and notices to the Commission shall be addressed as follows:

The Hydro-Electric Power Commission of Ontario,
620 University Avenue,
Toronto, Ontario.

provided that the provisions of the within clause shall not apply to the notice referred to in clauses 15 (h) and 16 (d) hereof.

30. The Commission agrees that, so long as the operation of the Moose Lake plant shall be suspended under the terms of the within agreement, the Company, or any corporation or person succeeding to its ownership of the Seine River properties, shall have the continued right to operate and control the gates of the Seine Diversion, and thereafter until the normal balanced flow of the Seine River through Steep Rock Lake is restored shall together with the Commission have joint control of such gates; such operation and control to be at the sole expense of the Company, or of its successor or transferee, but with the obligation on the Commission to maintain or cause to be maintained the said gates and the control works and water passages of the Seine Diversion during the period within which the operation of the Moose Lake plant shall be suspended hereunder. At the expiration of the aforesaid period of joint control the Commission shall cause the Seine Diversion to be permanently closed against the discharge through said Seine Diversion of the waters of Moose Lake;

The Commission agrees that at all times during the period when the normal waterflow in the Seine River is being restored it will co-operate with the Company and the Seine River Company to prevent to the greatest extent possible interference with the output of the said Seine River properties:

31. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be

passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) Contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines, Limited dated the 10th day of April, 1942 relating to the supply of power to Steep Rock Iron Mines, Limited, and other matters as therein provided;
- (b) Contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines, Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines, Limited to The Hydro-Electric Power Commission of Ontario, and other matters as therein provided;
- (c) Contract between Steep Rock Iron Mines, Limited and Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to certain obligations undertaken by Steep Rock Iron Mines, Limited and other matters as therein provided;

—and given Royal Assent, whereupon this agreement shall be binding and shall have effect in accordance with its terms.

Provided that when this agreement shall have become binding in accordance with the foregoing provision it shall remain in force for the period during which the Commission is required to deliver power under the provisions hereof:

32. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively:

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG,
Chairman.
(Seal)
OSBORNE MITCHELL,
Secretary.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY, LIMITED

R. H. M. ROBINSON,
President.
(Seal)
R. D. MAIN,
Secretary.

THE SEINE RIVER IMPROVEMENT COMPANY,
LIMITED

R. H. M. ROBINSON,
President.
(Seal)
R. D. MAIN,
Secretary.

SCHEDULE B

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate this 10th day of April, A.D. 1942;

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART

—and—

STEEP ROCK IRON MINES LIMITED, hereinafter called the
"Customer"

OF THE SECOND PART

WHEREAS the Commission acting under *The Power Commission Act* R.S.O. 1937, Chapter 62 and amendments thereto, is willing to enter into an agreement for the supply of electrical power on the terms and conditions herein contained, the said agreement to be known as the Steep Rock Power Agreement;

AND WHEREAS the Customer has applied to the Commission for a supply of electrical power under the said Act and amendments thereto;

AND WHEREAS the Customer is duly incorporated under the laws of the Province of Ontario and proposes to carry on the business of mining and metallurgy with mining properties in the vicinity of Steep Rock Lake, in the District of Rainy River, with head office at Toronto;

AND WHEREAS for the purpose of enabling its said mining operations to be conducted the Customer proposes to dewater Steep Rock Lake and for that purpose will require power which is hereinafter referred to as "Development Power", in addition to power required for mining operations which is hereinafter referred to as "Operation Power";

NOW THEREFORE THIS AGREEMENT WITNESSETH that for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer six thousand horsepower (6,000 h.p.) of Development Power under the conditions and at the point of delivery herein specified when the Customer's preliminary development operations have progressed to such extent that the normal waterflow in the Seine River Watershed has been interfered with thereby, which said date is called the "Commencement Date" and is tentatively fixed as July 1st, 1943, and continuing until entirely eliminated under the provisions of clause 3;

1. (b) To reserve for and deliver to the Customer under the same conditions and at the same point of delivery three thousand horsepower (3,000 h.p.) of Operation Power commencing when the Customer begins its mining operations at the said mining properties, which date is tentatively fixed as July 1st, 1944, and continuing while this agreement remains in force, which shall be the limit of amount until increased as hereinafter provided;

1. (c) To reserve for and deliver to the Customer under the same conditions and at the same point of delivery additional Operation Power

up to two thousand horsepower (2,000 h.p.) more in blocks of fifty horsepower (50 h.p.) each, or multiples thereof, on the expiration of thirty (30) days after request in writing therefor, until a total amount of five thousand horsepower (5,000 h.p.) of Operation Power shall have been reached which shall be the maximum of Operation Power under this agreement;

1. (d) Notwithstanding the foregoing the Commission shall not be obliged to reserve for the Customer at any time a total of Development Power and Operation Power exceeding nine thousand horsepower (9,000 h.p.), it being the understanding between the parties that as the completion of the Customer's development work progresses it will reduce its requirements of Development Power under the provisions of clause 3, and that at some stage of the development work it will have commenced its mining operations, thereby making its requirements of Development Power and Operation Power concurrent, for a time, but the Development Power subsequently decreasing and Operation Power increasing:

2. THE COMMISSION AGREES:

(a) To deliver power at the point of delivery herein defined as the one hundred and ten thousand volt (110,000 V) bus in the Commission's Port Arthur Transformer Station at or near the City of Port Arthur in the Province of Ontario;

2. (b) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for in this agreement;

2. (c) To use at all times first-class, suitable standard commercial apparatus and plant, and to exercise all due skill and diligence so that the service rendered to the Customer shall be in accordance with appropriate commercial standards:

3. If in any month after the Customer shall have ceased to take Development Power by reducing such Development Power in accordance with the provisions hereinafter written the Customer takes power so that the average or integrated demand for any ten consecutive minutes is in excess of the limit of Operation Power then in force, the taking of such excess, except to the extent that such taking is due exclusively to inadvertence, accident or any other cause beyond the control of the Customer, shall thereafter constitute an obligation on the part of the Customer to pay for and on the part of the Commission to hold in reserve and deliver Operation Power increased by such excess to the extent if any allowed by the Commission, all in accordance with the terms and conditions of this agreement thereby establishing a new limit of Operation Power, but in no case shall the whole amount of such Operation Power including the said increase, exceed the maximum of Operation Power under this agreement; in any event the Customer shall pay for power during the said month as if such excess, whether or not beyond the said maximum of Operation Power had been taken for the whole month;

The Customer shall reduce the amount of Development Power which the Commission is obliged to hold in reserve and deliver to it according as its necessary requirements of Development Power are decreased as the work progresses, by delivering to the Commission notice in writing one month or more prior to the date that such reduction is to come into effect, and in any event shall be deemed to have reduced its taking of Development Power to zero not later than two (2) years from the Commencement Date. All power taken by the Customer thereafter shall be deemed to be Operation Power, provided however that the Commission shall not be obliged to reserve for and/or deliver to the Customer at any time more than the said maximum amount of Operation Power specified in clause 1 (c).

4. All power delivered under this agreement shall be alternating, three-phase, having a frequency of approximately sixty (60) cycles per second and a nominal voltage of approximately one hundred and ten thousand (110,000) volts subject to ordinary variations from the said voltage of approximately ten percent (10%) and from the said frequency of approximately five percent (5%);

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include "energy";

One horsepower shall be equivalent to seven hundred and forty-six watts (746 w.).

5. THE CUSTOMER AGREES:

(a) To make all payments to be made to the Commission under this agreement in lawful money of Canada, at Toronto, and to pay in monthly payments to the Commission on the twentieth day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the tenth day, or if the bill be rendered after the tenth day, then ten (10) days after the date of rendering; provided that all payments in arrears after the said dates for payment shall bear interest at the rate of five percent (5%) per annum; provided, further, that if any bill remains unpaid for thirty (30) days after the date of receipt thereof the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until the said bill is paid and no such discontinuance by the Commission shall relieve the Customer from the performance of the covenants, provisos and conditions herein contained;

5. (b) If in any month power is taken in such manner that eighty-five percent (85%) of the maximum kilovolt amperes as determined at the point of measurement is greater than the maximum kilowatts as determined at the same point, then for that month eighty-five percent (85%) of the said maximum kilovolt amperes shall for the purposes of billing be considered to be the true kilowatts. For the purpose of this clause the maximum in kilovolt amperes and in kilowatts shall each be the maximum average or integrated demand in any ten (10) consecutive minutes in the month."

5. (c) To pay to the Commission in monthly payments according to the following schedule of horsepower rates, namely,—

Nineteen Dollars (\$19.00) per horsepower per annum;

all based on the maximum ten (10) minute integrated demand and eighty-five percent (85%) minimum power factor as provided in this agreement, which shall be applied as if the maximum ten (10) minute integrated demand corrected for eighty-five percent (85%) minimum power factor had been taken for the whole month, subject always to the minimum in this agreement provided; provided that the amount in horsepower each month determined from the said maximum ten (10) minute integrated demand corrected for the said minimum power factor shall be the horsepower demand for the month;

In addition to payment at the said horsepower rate to pay to the Commission in monthly payments at the rate of three decimal five (3.5) mills which is seven-twentieths (7/20ths) of a cent per kilowatt-hour for all energy taken in excess of the energy equivalent to the amount of power for which the Customer is paying at a monthly load factor of eighty-five percent (85%):

5. (d) After the Customer has ceased to take Development Power hereunder, and is taking, or is deemed to be taking Operation Power only to pay to the Commission for each month as a minimum for seventy-five percent (75%) of the greatest amount of power held in reserve for the Customer during any previous month after the Customer shall have ceased to take Development Power, except during the first month after such cessation during which said month the minimum shall be seventy-five percent (75%) of the amount of power reserved for the Customer during such month, provided however that in any event the Customer shall pay to the Commission for each month as a minimum for two thousand, two hundred and fifty horsepower (2,250 h.p.) all subject to clause 8.

6. THE CUSTOMER AGREES:

(a) To take the power covered by this agreement in accordance with the terms hereof and to prepare for the receipt and use of the said power so as to be able to receive power on the Commencement Date.

6. (b) To take power exclusively from the Commission during the continuance of this agreement and not to sell or dispose of the said power or any part thereof directly or indirectly without the written consent of the Commission; and not to use the said power hereunder for electric steam boiler operation or for the heating of buildings;

6. (c) At all times to take and use the power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is as near unity as practicable;

6. (d) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as practicable and in any event with the difference between any two phases not greater than five percent (5%); Provided that if at any time the difference between any two phases should exceed the said five percent (5%) or if the said difference be increasing so that it is likely to do so the Customer upon instructions from the Commission shall so adjust the Customer's load as to comply with this requirement;

6. (e) To provide a suitable transformer station; before starting construction to obtain Commission approval of such plans, drawings and specifications thereof as the Commission may require, and to supply all other electrical apparatus, equipment and works from the point of delivery, all subject to the approval of the Commission, and to construct, install, maintain and operate the said station and all other electrical apparatus, equipment and works in a manner satisfactory to the Commission;

PROVIDED that the Commission shall not be obliged to deliver power under this agreement until its approval has been obtained under the requirements of this clause but such approval shall not be unreasonably withheld or delayed;

6. (f) To use at all times suitable standard commercial machinery, plant and works in addition to the said electrical works and to operate and maintain the said machinery, plant and works so as to cause minimum disturbance to or fluctuation in the Commission's power supply or system and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Customer along with the power supply and system of the Commission:

7. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission;

7. (b) The greatest average or integrated amount of power delivered to or taken by the Customer for any ten (10) consecutive minutes in any month determined from coincident readings of the said meters, subject to power factor correction, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Customer in the said month;

7. (c) The point of measurement of the power covered by this agreement shall be at the terminus of the Customer's one hundred and ten thousand volt (110,000 V) transmission line in or immediately adjacent to the existing Moose Lake Plant of The Seine River Improvement Company Limited;

7. (d) Should such measuring equipment be connected at other than the point of measurement then the readings of such measuring equipment shall be subject to a correction or adjustment to give readings such as would have been obtained if said measuring equipment had been connected at the said point of measurement; but when connected at the point of measure-

ment shall not be subject to correction because of being connected at other than the point of delivery, it being understood that this correction has been provided for in establishing the rate specified in clause 5 (c);

7. (e) The records from the said meters shall be taken and recorded by the Customer on forms supplied or approved by the Commission and when and as directed by the Commission; these records shall be dated and forwarded promptly by the Customer to the Commission and such records on file with the Commission shall be available to the Customer at all reasonable times for inspection and information;

7. (f) The Customer shall if necessary provide free of charge a safe and suitable location, to be approved by the Commission on the premises of the Customer, for the installation of the Commission's measuring equipment and no rental or other charge or claim shall be made to the Commission for the location of the said measuring equipment on the Customer's premises. If relocation of the said measuring equipment shall at any time or times during the term of this agreement become necessary the Customer shall bear the cost and expense thereof;

7. (g) The Commission may test, calibrate, adjust, remove or change said measuring equipment or any part thereof at any reasonable time, but when possible the Customer shall be advised at least three (3) days in advance of the Commission's intention so to do;

7. (h) The Customer shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment;

7. (i) The Commission shall repair or replace and retest defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

7. (j) Access to any measuring equipment and to any apparatus, equipment and works belonging to the Commission and on the property of the Customer shall be free to the representatives of the Commission at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal, and the said representatives may do any of these things;

7. (k) The kilowatts, kilowatt-hours, kilovolt amperes and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 7, and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment: except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts:

8. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfillment of all the operating obligations of the Commission under this agreement, and when the voltage and the frequency are maintained within the limits provided in clause 4, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other characteristics and qualities at the point of measurement are under the sole control of the Customer and the Customer's agents, apparatus, equipment and works;

8. (b) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control including without limiting the generality thereof, strike, lockout, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the King's enemies and act of God, then the Commission shall not be bound to deliver power during such time and the Customer shall be allowed an adjustment in payment for power as herein-

after provided, but the Customer shall not otherwise be released from any obligation under this agreement; the Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interruption is removed the Commission shall without delay deliver power and the Customer shall take and pay for the same all in accordance with this agreement;

8. (c) The Commission shall have the right at all reasonable times, and when possible, after reasonable notice has been given to the Customer, to discontinue to the extent deemed necessary by the Commission, the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works necessary for the delivery of power hereunder but all such interruptions shall be of minimum duration and when possible arranged for at a time least objectionable to the Customer; the Customer shall be allowed an adjustment in payment for power as hereinafter provided, but the Customer shall not otherwise be released from any obligation under this agreement;

For interruptions under this subclause or under the preceding subclause dealing with causes reasonably beyond the Commission's control, the adjustment in payment for power to be allowed to the Customer shall be determined as follows:—(a) for total interruptions the amount used as basis shall be the amount of the horsepower demand for that month on which the Customer would otherwise be required to pay; (b) for partial interruptions the amount used as basis shall be the amount of the said horsepower demand less the average amount in horsepower of power taken by the Customer during the interruption; in every case the amount of horsepower to be used for adjustment shall be the amount used as basis averaged over the whole month in the ratio of the length of time of the interruption to the total time in the month; provided that no adjustment shall be allowed in respect of any interruption lasting less than three minutes when the aggregate time of all interruptions in any month does not exceed a total of twenty (20) minutes or in respect of interruptions occurring within a period in which the Customer is not using power for operation;

8. (d) If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or of the limit of amount of Operation Power then in force, or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by a representative of the Commission and the Customer shall immediately remedy the said failure; in case of continued failure for more than fifteen (15) minutes after notice, then the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur; in such case the Customer shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement; the Customer shall forthwith designate in writing to the Commission to what employee the said notice under this subclause 8 (d) is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer:

9. The Customer hereby grants to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of the Customer's lands as may be necessary or expedient to the Commission for the supply of power to the Customer, and for the measurement thereof and/or other purposes of this agreement, all during the period this agreement remains in force and thereafter until ninety (90) days' written notice from the Customer to remove the Commission's works shall have been given and shall have expired; if at any time or times the Commission shall be required by the Customer to change the location of any of the said works or equipment, the Customer shall provide another suitable location therefor and the Customer shall pay the cost of such change of location

10. One or more representatives or engineers of the Commission appointed for this purpose may at any reasonable time during the continuance of this agreement, have access to the premises of the Customer for the purpose of inspecting the electrical works and property of the Customer and of taking records therefrom as required and may do any of these things:

11. The Customer shall assume all risk of and liability for and be responsible for (a) any and all injury, damage and loss to property of the Commission on the premises of the Customer to the extent that the same is due to the neglect or default of the Customer, its servants or agents, and (b) any and all injury, damage and loss to property of the Customer or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission, its servants or agents; the Customer shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith:

12. The Commission shall be entitled at any time prior to the expiration of ninety (90) days' notice in writing from the Customer delivered after the termination of this agreement and the last extension thereof to remove from the premises of the Customer, any and all apparatus, equipment and works which may have been installed by the Commission under or in connection with this agreement:

13. If after termination of this agreement power be taken by the Customer from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement but only on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Customer any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Customer:

14. Any waiver by the Commission or the Customer or either of them or failure by either of them to exercise their respective rights or enforce their respective remedies shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement or in any other way affect the validity of this agreement; the exercise by the Commission or the Customer of any remedy provided in this agreement shall not prevent or estop the Commission or the Customer respectively from pursuing any other remedy it may have and all the respective rights and remedies of the Commission and the Customer may be exercised and continued concurrently or separately:

15. This agreement shall extend to, be binding upon and enure to the benefit of the Commission and the Customer and their successors and assigns respectively:

16. In case of any dispute arising between the parties hereto relative to the fulfilment of any of the terms, provisions or conditions of this agreement, or as to the method or accuracy of the measurement of power or any other question which may arise under this agreement, the same shall be immediately referred to arbitration under The Arbitration Act of the Province of Ontario, and shall be determined in accordance with the laws of the Province of Ontario, and the findings of the arbitrator or arbitrators so appointed shall be final and binding upon both parties hereto, except that either party may appeal from, move to set aside, vary or refer back an award of the arbitrators and may proceed therein to the Supreme Court of Canada and the Privy Council, or either of them:

17. If the Customer fails at any time in the performance of any obligation under this agreement the Commission without terminating the agreement may without notice and without liability therefor discontinue delivery of power to the Customer, but no such discontinuance shall relieve

the Customer from any obligation under this agreement or lessen or change any of the Customer's obligations; the Commission shall not be obliged to resume delivery of power to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur; and if the Customer continues in default in the performance of such obligation under this agreement the Commission may at its option mail postage prepaid to the Customer at the last known address of its head office a notice that unless the said obligation is completely fulfilled within five (5) days after the mailing of the said notice the contract will be deemed terminated; if after mailing of the said notice the Customer continues in default in respect of the said obligation beyond the said period specified in the said notice for fulfilment of its obligation this agreement shall thereupon terminate:

18. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) contract between The Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company, Limited, dated the 10th day of April, 1942 relating to certain obligations undertaken by Steep Rock Iron Mines, Limited and other matters as therein provided;
- (c) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

and given Royal Assent, whereupon this agreement shall become binding and shall have effect in accordance with its terms.

Provided that when this agreement has become binding in accordance with the foregoing it shall continue in force for the mining life of the mining properties to which power shall at any time have been supplied under this agreement; provided, however, that the Commission may terminate it at the end of the period of ten (10) years from the commencement date or at any subsequent date by six months or more previous notice in writing:

19. The Customer shall furnish to and deposit with the Commission security satisfactory to the Commission for the complete performance of this agreement by the Customer and shall at all times maintain the same in full force and effect so long as this agreement continues in force; such security may be in the form of a surety bond executed by the Customer and by a surety company satisfactory to the Commission or in the form of cash deposit or bonds satisfactory to the Commission; in the case of bonds as last mentioned, the Customer when not in default hereunder shall be entitled to the interest and interest coupons on the said bonds; if at any time the security deposited with the Commission shall become unsatisfactory to the Commission, the Customer upon request by the Commission shall promptly deposit security that is satisfactory to the Commission; the Customer, when not in default under this agreement, shall have the right at any time to change the security deposited with the Commission by substitution of surety bond, cash or bonds satisfactory to the Commission as aforesaid; upon any failure by the Customer to provide or maintain security as aforesaid the Commission shall not be obliged to reserve for or deliver any power to the Customer or having commenced shall not be obliged to continue; the amount of the security shall in the first instance be Twenty-five Thousand Dollars (\$25,000.00),

but shall be varied from time to time in accordance with the Customer's obligation to pay for power hereunder; Security under this clause shall be for the purposes of this clause only and shall not relate in any manner to security given by the Customer to the Commission under any other agreement between the Commission and the Customer:

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG, *Chairman.* (Seal)
OSBORNE MITCHELL, *Secretary.*

STEEP ROCK IRON MINES LIMITED

(Seal) D. M. HOGARTH, *President.*
G. G. BLACKSTOCK, *Secretary-Treasurer.*

SCHEDULE C

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate the 10th day of April, A.D. 1942, to be known as the Supplementary Agreement:

BETWEEN:

STEEP ROCK IRON MINES, LIMITED, hereinafter called the "Company"

OF THE FIRST PART

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission"

OF THE SECOND PART

WHEREAS by an Indenture of even date the parties hereto agreed for a supply of electric power and energy by the Commission to the Company at the Company's plant at its mining properties in the vicinity of Steep Rock Lake in the District of Rainy River, hereinafter called "The Steep Rock Power Agreement";

AND WHEREAS for the purpose of developing and operating its mining properties the Company proposes to dewater Steep Rock Lake and divert and interfere with the natural flow in the Seine River watershed, the said diversion and interference being hereinafter referred to as the "Seine Diversion";

AND WHEREAS the said Seine Diversion will render it impracticable for the Seine River Improvement Company Limited, a wholly owned subsidiary of The Ontario-Minnesota Pulp and Paper Company, Limited to operate a power development and power plant which the Seine River Improvement Company, Limited has constructed at the head of Steep Rock Lake in the said District of Rainy River which is hereinafter referred to as the Moose Lake plant, and the Commission has at the request of the Company, by an agreement of even date, hereinafter called the "Replacement Power Agreement", agreed to supply power to the said Ontario-Minnesota Pulp and Paper Company, Limited, to replace the power which the Seine River Improvement Company, Limited has been developing and would otherwise develop at its said Moose Lake plant for the purposes of The Ontario-Minnesota Pulp and Paper Company, Limited, the amount of such power being ten thousand five hundred horsepower (10,500 h.p.) subject to variation as appears in the said Replacement Power Agreement: and also in another eventuality to supply additional power called Supplementary Power, as therein set forth;

AND WHEREAS in the event that the Company should make default in its obligations hereunder, the Commission might still be obliged to furnish power to The Ontario-Minnesota Pulp and Paper Company, Limited under the said Replacement Power Agreement; and whereas it has been agreed by the Company and The Ontario-Minnesota Pulp and Paper Company, Limited and the Seine River Improvement Company, Limited that the said plant should be maintained in such manner that it may be restored to operation again should the natural waterflow in the Seine River through Steep Rock Lake be restored, and it has been agreed by The Ontario-Minnesota Pulp and Paper Company, Limited with the Commission that upon restoration of the said natural waterflow the Commission shall be relieved from its obligation to supply power to The Ontario-Minnesota Pulp and Paper Company, Limited at its said plant, and it is therefore expedient that the Commission should be enabled of its own

accord to restore the said natural waterflow in the event of the Company making default in its obligations to the Commission under the said power agreement or hereunder;

AND WHEREAS in order that the Commission may make delivery of power to the said Company under the Steep Rock Power Agreement and make delivery of power to Ontario-Minnesota Pulp and Paper Company, Limited under the said Replacement Power Agreement it is necessary that a transmission line be constructed from the Commission's Port Arthur Transformer Station, at or near the City of Port Arthur in the Province of Ontario, to the said Moose Lake plant, and certain terminal facilities at the said Port Arthur Transformer Station and Moose Lake plant be installed, and it has been agreed that the said line and terminal facilities should be constructed and operated as hereinafter set forth;

AND WHEREAS it is hereinafter agreed that ownership of the said transmission line after construction thereof shall be vested in the Company; and whereas it is expedient that in order to fulfil its obligations in respect of the delivery of power under the said Replacement Power Agreement the Commission should be able to use the said transmission line;

AND WHEREAS the Company has agreed to pay to the Commission from time to time and at all times during the continuance of these presents all power bills properly rendered to it by the Commission for replacement power under the said Replacement Power Agreement at the rate of nineteen dollars (\$19.00) per horsepower per annum:

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the agreement by the Commission to supply replacement power to The Ontario-Minnesota Pulp and Paper Company, Limited, which the Company would otherwise be obliged to supply, or make arrangements in respect thereof and for the other considerations herein contained, the Parties hereto covenant, promise and agree each with the other as follows:—

1. THE COMPANY AGREES:

That it will from time to time and at all times during the continuance of these presents whenever bills are properly rendered to it by the Commission, and within twenty (20) days from the date of receipt thereof pay to the Commission for all replacement power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited, under the Replacement Power Agreement at the rate of nineteen dollars (\$19.00) per horsepower per annum, the amount of such power being calculated according to the provisions of the said Replacement Power Agreement and also all monies and cost which the Commission shall have been required to pay or incur under clauses 25, 27 and 30 of the said Replacement Power Agreement:

2. THE COMPANY AGREES:

That if at any time it makes default in respect of its agreements, covenants, premises or obligations contained in the Steep Rock Power Agreement made by it with the Commission or contained in these presents, and such default continues for a period of one month after the Commission shall have given notice to the Company requiring that such default be remedied on or before a date specified in the said notice the Commission may and the Company hereby grants to the Commission the right to restore the normal waterflow in the said Seine River through Steep Rock Lake and to enter upon the Company's lands and premises for that purpose and remove and/or destroy such of the Company's works and properties as may be necessary for that purpose and/or to construct such works and perform such operations upon the Company's lands and premises as are necessary for that purpose, and the Company agrees that it will make no claim or demand against the Commission in respect of anything relating to or arising therefrom, and will indemnify and save harmless the Commission from all claims and demands of other persons arising therefrom;

The Company will obtain such title to such lands as is necessary to enable the Commission to effect the restoration of the said normal water-

flow and will continue to hold such title during the full term of this agreement:

3. It is agreed that the Commission shall construct for the Company a suitable transmission line and provide a right of way therefor from the Commission's said Port Arthur Transformer Station to the said Moose Lake plant in order to facilitate the transmission of power from its said transformer station to the Company's mining properties at Steep Rock and the delivery of power under the said Replacement Power Agreement; and the Company will pay to the Commission the total cost and expense thereof and permit the Commission to use it free of charge for delivery of replacement power under the said Replacement Power Agreement; During the term of this agreement the Company will also permit the Commission at all times to use the said line for supplying power to customers other than the Company and for the supply of power other than replacement power to The Ontario-Minnesota Pulp and Paper Company, Limited in consideration of payment to it by the Commission of the following rentals, viz.:

- (a) For the first one thousand horsepower (1,000 h.p.) of power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited in addition to the replacement power required to be supplied under the Replacement Power Agreement there shall be no rental;
- (b) For all further power supplied to The Ontario-Minnesota Pulp and Paper Company, Limited in excess of the said one thousand horsepower (1,000 h.p.), not being replacement power, and for all power supplied to customers of the Commission other than The Ontario-Minnesota Pulp and Paper Company, Limited in the vicinity of Steep Rock Iron Mine at an annual rental calculated at the rate of four dollars and forty cents (\$4.40) per horsepower;

The ownership of the said transmission line and right-of-way shall vest in the Company:

4. It is agreed that the Commission will purchase and install all terminal equipment such as relays, switching, lightning protection and synchronous condensers necessary or convenient to enable power to be delivered to the Company and under the Replacement Power Agreement to The Ontario-Minnesota Pulp and Paper Company, Limited, and to enable the power plants of the Seine River Improvement Company, Limited at Fort Frances, Calm Lake and Sturgeon Falls to be operated in parallel with the Commission's system and equipment to enable The Ontario-Minnesota Pulp and Paper Company, Limited to receive and control power under the Replacement Power Agreement without interfering with the power operations of The Seine River Improvement Company, Limited, and/or the Company, and the Company will pay to the Commission the total cost and expense thereof:

Ownership of the said equipment referred to in the immediately preceding paragraph shall be vested in the Company:

It is agreed that if necessary to use the electric generators at present installed in the said Moose Lake plant as synchronous condensers, the Company will pay the total cost, expense and rentals involved therein.

5. The said transmission line and equipment shall be operated and maintained by the Commission or by the Commission's nominee, and the Company shall reimburse the Commission for the full cost of operation, maintenance and administration expenses incurred in respect thereof. Without limiting the generality of the foregoing the Company shall bear the expense of public liability and property damage and casualty insurance, also any additional insurance which the Company may instruct the Commission to place, or the Commission in its discretion shall procure, in respect of the maintenance and operation of the said line and terminal equipment, and Workmen's Compensation assessments and rates; the payment of the said cost shall be made monthly by the Company within twenty (20) days after receipt from the Commission of the bill therefor:

6. THE COMPANY AGREES:

That so long as the operations of the Moose Lake plant are suspended it will not permit or suffer any buildings or erections to be constructed or maintained within the basin of Steep Rock Lake except such buildings or erections as may be necessary for its own operations, and in particular will not permit the erection of any quarters or dwellings for staff or others, and that upon default by the Company under the said Steep Rock Power Agreement or hereunder the Company will within such time as shall be prescribed by the Commission remove or cause to be removed from the basin of Steep Rock Lake all buildings, machinery, equipment, plant and chattel property, and in default of such removal the Steep Rock Company shall assume all damage sustained by any such property so remaining upon the premises and shall also remove or cause to be removed any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of the said lake or with operations of the Company therein which would affect the restoration of the normal waterflow of the Seine River Waters through the said lake and at the same time shall remove such protective works as may have been placed in Moose Lake or in the water passages leading to the Moose Lake plant if such removal shall be requested by the Commission:

7. The Company shall furnish to and deposit with the Commission security satisfactory to the Commission for the complete performance of this agreement by the Company and shall at all times maintain the same in full force and effect so long as this agreement continues in force; such security shall be in the form of a cash deposit or bonds of the Dominion of Canada or Province of Ontario. The Company when not in default shall be entitled to such Bank interest on cash deposited as security as the Commission procures for the same when on deposit and such interest on the Dominion of Canada bonds and/or on the Province of Ontario bonds as shall be paid thereon by the Dominion of Canada or the Province of Ontario respectively. The amount of such security shall be Six Hundred Thousand Dollars (\$600,000.00).

8. THE COMPANY AGREES:

Without limiting the power or right of the Commission to resort to the security specified in clause 7 for complete performance of this agreement by the Commission, the Commission may have recourse to the said security to indemnify itself against and reimburse itself for any and all law costs to which it may be rendered liable by reason of any matter or thing arising from these presents, the said power agreement with the Company, any agreement relating to Replacement Power, and also in respect of all cost and expense which it may incur in respect of restoring the normal waterflow in the said Seine River through Steep Rock Lake:

9. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company, Limited and other matters as therein provided;
- (b) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) contract between Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company, Limited and The Seine River Improvement Company, Limited dated the 10th day of April, 1942, relating to certain obligations undertaken by Steep Rock Iron Mines Limited and other matters as therein provided;

and given Royal Assent, whereupon this agreement shall become binding and shall have effect in accordance with its terms.

Provided that when this agreement has become binding in accordance with the foregoing it shall continue in force until the termination of the said Steep Rock Power Agreement between the Company and the Commission and the Replacement Power Agreement, or whichever of the said two agreements continues in force for the longer period:

IN WITNESS WHEREOF the Company and the Commission have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

STEEP ROCK IRON MINES, LIMITED

D. M. HOGARTH,
President.

(Seal)

G. G. BLACKSTOCK,
Secretary-Treasurer.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

T. H. HOGG,
Chairman.

OSBORNE MITCHELL,
Secretary.

(Seal)

SCHEDULE D

to An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

THIS AGREEMENT made in duplicate the 10th day of April, 1942.

BETWEEN:

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY LIMITED (hereinafter called "the Ontario-Minnesota Company")

OF THE FIRST PART

STEEP ROCK IRON MINES LIMITED (hereinafter called "the Steep Rock Company")

OF THE SECOND PART

—and—

THE SEINE RIVER IMPROVEMENT COMPANY LIMITED (hereinafter called "the Seine River Company")

OF THE THIRD PART

WHEREAS the Ontario-Minnesota Company has entered into or is about to enter into a contract of even date herewith between The Hydro-Electric Power Commission of Ontario and the Ontario-Minnesota Company to which the Seine River Company is also a party (hereinafter referred to as "the Hydro—O-M power contract") providing among other things for the supply to the Ontario-Minnesota Company by The Hydro-Electric Power Commission of Ontario (hereinafter called "the Commission") free of charge of replacement power as in said agreement defined and provided;

AND WHEREAS there are certain other matters referred to or arising out of the said agreement which the parties hereto have agreed should be the subject matter of this present agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, it is hereby agreed by and between the parties hereto as follows:

1. The Steep Rock Company in the exercise of such rights as may be conferred upon it by the Minister of Lands and Forests or which it may otherwise obtain to construct the Seine Diversion as defined in the Hydro—O-M power contract will so control or cause to be controlled the construction of the Seine Diversion that the operation of the Moose Lake plant and the flow of water through the Moose Lake plant will not be interfered with, except subject to the conditions and as contemplated in the Hydro—O-M power contract and in particular will at all times cause such construction of the Seine Diversion to be carried on subject to the orders of and the control of the Commission to the extent if any that the Commission may wish to direct.

2. The Steep Rock Company will not permit the gates of the Seine Diversion to be opened or otherwise permit water to pass through the Seine Diversion prior to the completion thereof unless and until it shall have been authorized and directed so to do by the Commission, and agrees upon the completion of the Seine Diversion to turn over the control and operation of the Seine Diversion to the Ontario-Minnesota Company as and when directed by the Commission.

3. The Steep Rock Company agrees that so long as the operation of the Moose Lake plant shall be suspended under the terms of the Hydro—O-M power contract, the Ontario-Minnesota Company or any corporation or person succeeding to the ownership of the Seine River properties shall have the continued right to operate and control the gates of the Seine Diversion, and thereafter until the balanced flow of the Seine River through Steep Rock Lake is restored shall together with the Commission have joint control of said gates; such operation and control to be at the sole expense of the Ontario-Minnesota Company or of its successor or transferee, but with the obligation on the part of the Steep Rock Company as may be required by the Commission at its own expense to maintain or cause to be maintained the said gates and control works and water passages of the Seine Diversion during the period within which the operation of the Moose Lake plant shall be suspended, and that at the expiration of the aforesaid period of joint control the Seine Diversion may be permanently closed against the discharge through the said Seine Diversion of the waters of Moose Lake.

4. On the entering into of the Hydro—O-M power contract the Ontario-Minnesota Company has claimed that the replacement power to be furnished to the Ontario-Minnesota Company thereunder will not adequately compensate the Ontario-Minnesota Company for certain disadvantages in contemplation or apprehended or not now in contemplation but which may arise as a result of the disturbance in the operation of the Seine River properties and the arrangement entered into in connection therewith as set out in the Hydro—O-M contract, the nature and effect of which disadvantages it is not now possible fully to determine. The Steep Rock Company agrees that it will, on the request of the Ontario-Minnesota Company on the expiration of five years from the date hereof, appoint a representative to act with a representative to be appointed by the Ontario-Minnesota Company to determine what additional provision, if any, should be made by the Steep Rock Company to compensate the Ontario-Minnesota Company for such disadvantages as aforesaid and the anticipated continuance thereof during the life of the Hydro—O-M power contract. If such representatives shall agree upon the amount of such provision, if any, or that under the circumstances no such provision need be made, such agreement shall be final and binding on the parties. If such representatives fail to reach such agreement within sixty days of the making of the request aforesaid or if at the request of the other either party shall have failed to appoint a representative, either party may request an appointee of the Commission to join with the representative or representatives so appointed in such determination and the decision of the persons so appointed or a majority thereof shall be final and conclusive and binding on the parties. Any provision agreed upon or determined upon as aforesaid shall be expressed as a sum of money and the Ontario-Minnesota Company shall have the option of requiring such sum to be paid to it in cash or at its election to be satisfied by the delivery by the Commission to the Ontario-Minnesota Company of additional replacement power without charge to the Ontario-Minnesota Company. Such additional replacement power shall, however, for the purposes of satisfying such provision be calculated as having a value of \$19 per horsepower per annum and may be taken by the Ontario-Minnesota Company at such times and in such quantities as may be agreed between the Ontario-Minnesota Company and the Commission. Such agreement or determination as aforesaid shall finally dispose of all claims of the Ontario-Minnesota Company for additional provision in respect of the matters aforesaid.

5. The Ontario-Minnesota Company hereby agrees that the complete performance by the Commission of its obligations under the Hydro—O-M power contract and the observance by the Steep Rock Company of its agreements and obligations hereunder will be accepted by the Ontario-Minnesota Company in full satisfaction of all claims which it might assert by reason of the disturbance of and damage to the operation of the Seine River properties in accordance herewith and in accordance with the provisions of the Hydro—O-M power contract including the loss of power to the Ontario-Minnesota Company.

6. The Ontario-Minnesota Company agrees that it will within three months after the close of each fiscal year commencing with the year in which the operation of the Moose Lake plant shall be suspended and

continuing so long as the operations of the Moose Lake plant shall be suspended present to the Steep Rock Company a statement in reasonable detail showing the amount of the savings resulting from the discontinuance of the operation or from the restricted operation of the Moose Lake plant over the expense which would have accrued had the full operation thereof been continued during the whole of such year. Such savings shall include such reasonable expense for normal maintenance of the existing Moose Lake dam and works appurtenant thereto as may be incurred by the Steep Rock Company, but any credit given to or withheld from the Steep Rock Company in respect of such item shall not affect or diminish its obligations and liability under paragraph 7. The Steep Rock Company shall be entitled to examine the books and records of the Ontario-Minnesota Company to establish the correctness or otherwise of such statement, and, if the correctness of such statement is disputed by the Steep Rock Company, the Steep Rock Company shall be entitled within thirty days after the receipt of such statement by it to have the said statement and supporting data reviewed by a representative of the Commission, whose decision shall be final. The amount of the savings shown by such statement or the amount determined by such representative of the Commission, as the case may be, shall be paid by the Ontario-Minnesota Company to the Steep Rock Company within fifteen days from the date when the correctness of the statement is acknowledged or the amount is determined by the representative of the Commission, as the case may be.

7. The Steep Rock Company hereby assumes to the exoneration of the Ontario-Minnesota Company and the Seine River Company and any corporation or person succeeding to its ownership of the Seine River properties all liability for claims or suits of every character, by whomsoever asserted, arising or growing out of or based upon any escape of water from Moose Lake during the time in which the operation of the Moose Lake plant shall be suspended as provided in the Hydro—O-M power contract. The Steep Rock Company at its own expense will at all times cause Moose Lake dam and works appurtenant thereto and the substructure thereof and underlying rock and earth to be reinforced or otherwise protected and augmented to such extent as may be necessary to insure that there will be no substantial escape of water from Moose Lake into the area now occupied by Steep Rock Lake and will so long as the operation of the Moose Lake plant is suspended, maintain such protective works and shall be entitled at all reasonable times to enter upon the premises of the Ontario-Minnesota Company and of the Seine River Company for such purpose. The Steep Rock Company shall also be entitled from time to time at its own expense to erect and maintain other protective works designed to prevent or insure against the escape of water from Moose Lake into the area now occupied by Steep Rock Lake provided the same are consistent with the maintenance of such conditions as may be required in furtherance of the Hydro—O-M power contract. The Steep Rock Company further agrees that it will at its own expense hold harmless, defend and protect the Ontario-Minnesota Company and the Seine River Company and any corporation or person succeeding to its ownership of the Seine River properties against any and all claims or suits of every character by whomsoever asserted based upon escape of water as aforesaid.

8. The Steep Rock Company agrees that so long as the operations of the Moose Lake plant are suspended it will not permit or suffer any buildings or erections to be constructed or maintained within the basin of Steep Rock Lake, except such buildings or erections as may be necessary for its own operations and in particular will not permit the erection of any quarters or dwellings for staff or others and that in accordance with the provisions of the Hydro—O-M power contract the Steep Rock Company will within such time as shall be prescribed by the Commission remove or shall cause to be removed from the basin of Steep Rock Lake all buildings, machinery, equipment, plant and chattel property and in default of such removal the Steep Rock Company shall assume all damage sustained by any such property so remaining upon the premises and shall also remove or cause to be removed any obstruction or works which may have been placed in Steep Rock Lake or at its outlet in connection with the dewatering of the said Lake or with operations of the Steep Rock Company therein which would affect the restoration of the normal flow of Seine River waters through the said Lake and at the same time shall remove such protective works as may have been placed in Moose Lake or in the water

passages leading to the Moose Lake plant if such removal shall be requested by the Commission or by the Ontario-Minnesota Company.

9. The Steep Rock Company agrees that it will at the expense of the Ontario-Minnesota Company from time to time support and/or concur in any application made by the Ontario-Minnesota Company and/or the Seine River Company while the Hydro—O-M power contract is in force for the renewal of any rights or privileges affecting the Seine River properties including in particular any renewal or renewals of water power lease No. 28.

10. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date, short particulars of which are as follows:

- (a) contract between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited dated the 10th day of April, 1942, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (b) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the supply of power to Steep Rock Iron Mines Limited and other matters as therein provided;
- (c) contract between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 10th day of April, 1942, relating to the construction of a power transmission line, the furnishing of security by Steep Rock Iron Mines Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

and given Royal Assent whereupon this agreement shall become binding and shall have effect in accordance with its terms.

The benefit and obligation of this agreement shall enure to and be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF this agreement has been executed by the parties hereto under their respective corporate seals.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

by R. H. M. ROBINSON,
President.

R. D. MAIN,
Secretary C.S.

STEEP ROCK MINES LIMITED

by D. M. HOGARTH,
President.

G. G. BLACKSTOCK,
Secretary C.S.

THE SEINE RIVER IMPROVEMENT
COMPANY LIMITED

by R. H. M. ROBINSON,
President.

R. D. MAIN,
Secretary C.S.



BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited and The Ontario-Minnesota Pulp and Paper Company Limited.

1st Reading

April 13th, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to extend the Duration of the present Legislative Assembly.

MR. CONANT

BILL

An Act to extend the Duration of the present
Legislative Assembly.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly, of the Province of Ontario,
enacts as follows:

Extension
of life of
present
Assembly.

1. Notwithstanding anything in *The Legislative Assembly Act* or in any other Act contained, the present Assembly shall continue until the 19th day of October, 1943, and it shall not be necessary to hold any general election to choose members of the Assembly until such date.

Saving as to
Rev. Stat.,
c. 12, s. 4,
and prero-
gative of
Crown.

2. Nothing in this Act shall affect or amend the provisions of section 4 of *The Legislative Assembly Act*, nor be taken or deemed to affect or abridge any prerogative of the Crown or the power of the Lieutenant-Governor to dissolve the Assembly at an earlier date than that mentioned in section 1.

Short
title.

3. This Act may be cited as *The Legislative Assembly Extension Act, 1942*.

EXPLANATORY NOTE

The Bill extends the present Assembly for a period of one year from the date upon which it would otherwise expire, subject, of course to the right now vested in the Lieutenant-Governor to dissolve the Assembly.

BILL

An Act to extend the Duration of the
present Legislative Assembly.

1st Reading

April 13th, 1942

2nd Reading

3rd Reading

MR. CONANT

No. 62

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to extend the Duration of the present Legislative Assembly.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 62

1942

BILL

An Act to extend the Duration of the present
Legislative Assembly.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Extension
of life of
present
Assembly.

1. Notwithstanding anything in *The Legislative Assembly Act* or in any other Act contained, the present Assembly shall continue until the 19th day of October, 1943, and it shall not be necessary to hold any general election to choose members of the Assembly until such date.

Saving as to
Rev. Stat.,
c. 12, s. 4,
and prero-
gative of
Crown.

2. Nothing in this Act shall affect or amend the provisions of section 4 of *The Legislative Assembly Act*, nor be taken or deemed to affect or abridge any prerogative of the Crown or the power of the Lieutenant-Governor to dissolve the Assembly at an earlier date than that mentioned in section 1.

Short
title.

3. This Act may be cited as *The Legislative Assembly Extension Act, 1942*.

BILL

An Act to extend the Duration of the
present Legislative Assembly.

1st Reading

April 13th, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

No. 63

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1941

BILL

An Act to amend The Credit Unions Act, 1940

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 63

1942

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1940, c. 7,
s. 5, re-
enacted.

1. Section 5 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

Object of
incorpora-
tion.

5. Credit unions may be incorporated having for their object and purpose the

- (a) receiving of moneys on deposit from members and as payment for shares;
- (b) making of loans to members with or without security for provident and productive purposes;
- (c) making of loans to other credit unions;
- (d) depositing of moneys with and making loans to any league incorporated under section 48 of this Act provided that no credit union shall deposit with or loan to any such league an amount in excess of twenty-five per centum of the total assets of such credit union; and
- (e) investing of moneys to an extent not exceeding twenty-five per centum of its capital, in the paid-up shares of other credit unions or of any league incorporated under section 48 of this Act.

1940, c. 7,
s. 28,
subs. 3,
amended.

2. Subsection 3 of section 28 of *The Credit Unions Act, 1940*, is amended by striking out the word "and" in the fifth line and by adding at the end thereof the words "and supervisory committee", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1. Section 5 of *The Credit Unions Act, 1940*, is re-enacted in order to extend the objects and purposes of credit unions so that they may deposit moneys with and invest moneys in any league that may be incorporated under section 48 of the Act as re-enacted by this Bill.

SECTION 2 This amendment provides that loans to officers of credit unions shall require the approval of the supervisory committee as well as the credit committee and the board of directors.

Loans to
officers,
etc.

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved by a two-thirds majority at a joint meeting of the board of directors, credit committee and supervisory committee.

1940, c. 7,
s. 48, re-
enacted.

3. Section 48 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

Objects
of incor-
poration
of league.

48.—(1) Ten or more credit unions may be incorporated as a league for the object and purpose of,

- (a) protecting and advancing the credit unions which are members thereof;
- (b) encouraging and assisting educational and advisory work relating to credit unions;
- (c) arranging for group bonding of credit union employees and ensuring repayment of loans made by credit unions to their members;
- (d) receiving moneys from its members either as payment on shares or as deposits; and
- (e) making loans to credit unions which are members of the league.

Signature of
president,
treasurer or
manager.

- (2) The president and the treasurer or manager of each of such credit unions shall sign in duplicate, before two witnesses, a memorandum of association prescribed by the registrar, and the memorandum accompanied by the proposed by-laws shall be forwarded to the registrar.

Certificate
of incor-
poration
of league.

- (3) Upon receiving the memorandum of association the Minister may, in his discretion, refuse to issue a certificate of incorporation or may issue a certificate of incorporation and give notice thereof in the *Ontario Gazette* and thereupon the league shall be a corporation under the name described in the certificate and notice, and all property, for the time being vested in any person in trust for the league, shall be vested in the league, and the certificate of incorporation and the by-laws of the league, together with this Act, shall constitute the charter of the league.

SECTION 3. This amendment provides for the incorporation of a league of credit unions. Subsection 1 sets out the objects and purposes of the league and subsections 2 and 3 set out the necessary procedure in forming the league. Subsections 4 and 5 of the new section 48 are self-explanatory.

Evidence of
incorpora-
tion of
league.

- (4) The production of a copy of the *Ontario Gazette* containing a notice of incorporation of the league shall be conclusive evidence that such league is duly incorporated.

By-laws of
league.

- (5) The league incorporated under this section may pass such by-laws as it deems advisable but no by-law shall become operative until approved by the Minister.

1940, c. 7,
s. 53,
repealed.

4. Section 53 of *The Credit Unions Act, 1940*, is repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Credit Unions Amendment Act, 1942*.

SECTION 4. Section 53 of the Act is no longer necessary in view of the amendment to section 28 of the Act.

BILL
An Act to amend The Credit Unions
Act, 1940

1st Reading
April 13th, 1942

2nd Reading

3rd Reading

MR. DEWAN

No. 63

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Credit Unions Act, 1940

MR. DEWAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 63

1942

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1940, c. 7;
s. 5, re-
enacted.

1. Section 5 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

Object of
incorpora-
tion.

5. Credit unions may be incorporated having for their object and purpose the

- (a) receiving of moneys on deposit from members and as payment for shares;
- (b) making of loans to members with or without security for provident and productive purposes;
- (c) making of loans to other credit unions;
- (d) depositing of moneys with and making loans to any league incorporated under section 48 of this Act provided that no credit union shall deposit with or loan to any such league an amount in excess of twenty-five per centum of the total assets of such credit union; and
- (e) investing of moneys to an extent not exceeding twenty-five per centum of its capital, in the paid-up shares of other credit unions or of any league incorporated under section 48 of this Act.

1940, c. 7,
s. 28,
subg. 3,
amended.

2. Subsection 3 of section 28 of *The Credit Unions Act, 1940*, is amended by striking out the word "and" in the fifth line and by adding at the end thereof the words "and supervisory committee", so that the said subsection shall now read as follows:

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved by a two-thirds majority at a joint meeting of the board of directors, credit committee and supervisory committee. Loans to officers, etc.

3. Section 48 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor: 1940, c. 7, s. 48, re-enacted.

- 48.—(1) Ten or more credit unions may be incorporated as a league for the object and purpose of, Objects of incorporation of league.

(a) protecting and advancing the credit unions which are members thereof;

(b) encouraging and assisting educational and advisory work relating to credit unions;

(c) arranging for group bonding of credit union employees and ensuring repayment of loans made by credit unions to their members;

(d) receiving moneys from its members either as payment on shares or as deposits; and

(e) making loans to credit unions which are members of the league.

- (2) The president and the treasurer or manager of each of such credit unions shall sign in duplicate, before two witnesses, a memorandum of association prescribed by the registrar, and the memorandum accompanied by the proposed by-laws shall be forwarded to the registrar. Signature of president, treasurer or manager.

- (3) Upon receiving the memorandum of association the Minister may, in his discretion, refuse to issue a certificate of incorporation or may issue a certificate of incorporation and give notice thereof in the *Ontario Gazette* and thereupon the league shall be a corporation under the name described in the certificate and notice, and all property, for the time being vested in any person in trust for the league, shall be vested in the league, and the certificate of incorporation and the by-laws of the league, together with this Act, shall constitute the charter of the league. Certificate of incorporation of league.

Evidence of
incorpora-
tion of
league.

- (4) The production of a copy of the *Ontario Gazette* containing a notice of incorporation of the league shall be conclusive evidence that such league is duly incorporated.

By-laws of
league.

- (5) The league incorporated under this section may pass such by-laws as it deems advisable but no by-law shall become operative until approved by the Minister.

1940, c. 7
s. 53,
repealed.

4. Section 53 of *The Credit Unions Act, 1940*, is repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Credit Unions Amendment Act, 1942*.





BILL

An Act to amend The Credit Unions
Act, 1940

1st Reading

April 13th, 1942

2nd Reading

April 14th, 1942

3rd Reading

April 15th, 1942

MR. DEWAN

No. 64

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act to amend The Mortgages Act.

MR. GLASS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 64

1942

BILL

An Act to amend The Mortgages Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 155,
amended.

1. *The Mortgages Act* is amended by adding thereto the following section:

Limitation
of action
for recovery
of mortgage
debt.

17c. Where a final judgment or order of foreclosure has been made in an action on a mortgage no proceedings shall be taken for recovery of the mortgage debt after the expiry of one year from the date of such judgment or order of foreclosure.

Short title.

2. This Act may be cited as *The Mortgages Amendment Act, 1942*.



BILL

An Act to amend The Mortgages Act.

1st Reading

April 13th, 1942

2nd Reading

3rd Reading

MR. GLASS

No. 65

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act for Raising Money on the Credit of The Consolidated Revenue
Fund.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of
\$20,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).

Terms to be
fixed by
Lieutenant-
Governor.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1942*.

BILL

An Act for Raising Money on the Credit of
The Consolidated Revenue Fund.

1st Reading

April 14th, 1942

2nd Reading

3rd Reading

MR. HERRURN (Elgin)

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act for Raising Money on the Credit of The Consolidated Revenue
Fund.

MR. HEPBURN (Elgin)

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of
\$20,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).

Terms to be
fixed by
Lieutenant-
Governor.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1942*.

BILL

An Act for Raising Money on the Credit of
The Consolidated Revenue Fund.

1st Reading

April 14th, 1942

2nd Reading

April 15th, 1942

3rd Reading

April 15th, 1942

MR. HEPBURN (Elgin)

.

No. 66

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act repealing Gaming and Betting Houses.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Gaming and Betting Houses.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"court";

(a) "court" shall mean the county or district court of the county or district in which a place is situate; and

"place".

(b) "place" shall include house, building, office, room or other premises or any part thereof, whether enclosed or not, and whether used permanently or temporarily, and whether there is or is not exclusive right of user.

Application
for order
closing.

2.—(1) The Attorney-General or any other person may apply to the court by originating notice of motion for an order closing any place with respect to which a conviction has been made within the preceding three months under section 228, 229, 230 or 235 of the *Criminal Code* (Canada), against its use for all or any purposes for any period not exceeding one year.

Service of
notice.

(2) Notice of motion shall be served upon the registered owner and the lessee, tenant or other occupant of such place if they can be found within the county or district, and if they cannot be so found service may be made by delivering copies thereof to an inmate of the place referred to in the notice of motion, apparently not under sixteen years of age, or in such other manner as the court may direct.

Proof of
conviction.

(3) A certified copy of any conviction under the hand of a magistrate or the clerk of the peace of any person with respect to such place under section 228, 229, 230 or 235 of the *Criminal Code* (Canada), shall be *prima facie* evidence that the place therein described was the place with respect to which such conviction took place and of the date thereof.

(4) There shall be no appeal from an order made under ^{No appeal.} subsection 1.

3.—(1) The said order may be registered in the registry ^{Registration} office or land titles office in which the title of such place is ^{of order.} recorded.

(2) The order referred to in section 2 shall not affect the ^{Rights of} rights of any person in such place acquired after the making ^{innocent} of such order without notice, in good faith and for valuable ^{purchaser.} consideration.

4.—(1) After the making of an order closing any place the ^{Application} registered owner or other person having any interest therein, ^{to re-open.} upon establishing his good faith and his ignorance of the use of such place in contravention of sections 228, 229, 230 and 235 of the *Criminal Code* (Canada), and upon furnishing a cash bond in the amount of \$1,000 or such further sum as the court may determine to be deposited in court as security that such place will not be used during the term of the order for any purpose in contravention of any such sections of the *Criminal Code* (Canada), may apply to the court by way of originating notice of motion to be served upon the Attorney-General and upon the Crown attorney of the county or district in which the place is situate, for an order suspending the operation of the order closing the said place.

(2) Any order made under subsection 1 may be registered ^{Registration.} in the same manner as an order made under section 2.

(3) Upon the conviction of any person for an offence ^{Further} against any of the sections mentioned in subsection 1 with ^{conviction.} respect to such place after the giving of such security, the court may upon summary application order the forfeiture of the bond and the payment to the Crown of the money deposited thereunder, and any such order shall direct that the order made under section 2 shall have full force and effect and may be registered in the same manner as the order made under section 2.

5. The owner of any premises may upon notice served ^{Limited} upon the Attorney-General and the Crown attorney of the ^{occupancy.} county or district in which such place is situate, apply to the court, and upon proof that the place or its contents is or are likely to suffer damage by reason of the order closing such place, for an order under such conditions and limitations as the Court may impose, permitting the occupation of the said place as far as may be necessary to prevent it or the contents thereof from being damaged.

6.—(1) The rules relating to practice and procedure in ^{Rules} the county and district courts, except in so far as they are

varied or amended by the Lieutenant-Governor in Council, shall apply to proceedings under this Act.

and forms. (2) The Lieutenant-Governor in Council may make rules prescribing,—

(a) practice and procedure;

(b) such forms as he may deem necessary,

for the better carrying out of the provisions of this Act.

Violation of order. 7. Where an order is made under this Act closing any place and such place is used in violation of such order,

(a) the registered owner of such place; and

(b) any person found in such place while it is being so used,

shall be deemed to have violated such order, unless in the case of a person mentioned in clause *b*, he was there for a lawful purpose, the proof whereof shall be upon him.

Penalty. 8.—(1) Any person who violates the provisions of this Act or of any order made hereunder, shall be guilty of an offence and shall be liable to imprisonment for not less than one month and not more than one year.

Where person a corporation. (2) Where any person convicted under subsection 1 is a corporation, it shall be liable to a penalty of not less than \$1,000 nor more than \$5,000.

Enforcement of penalties. Rev. Stat., c. 136. (3) The penalties imposed under this section may be enforced under the provisions of *The Summary Convictions Act*.

Commencement of Act. 9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. 10. This Act may be cited as *The Gaming and Betting Act, 1942*.



BILL

An Act respecting Gaming and
Betting Houses.

1st Reading

April 15th, 1942

2nd Reading

April 15th, 1942

3rd Reading

April 15th, 1942

MR. CONANT

No. 67

7TH SESSION, 20TH LEGISLATURE, ONTARIO
6 GEORGE VI, 1942

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1943.

MR. HEPBURN (Elgin).

No. 67

1942

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1943.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from The Honourable Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1943, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$60,309,
636.69
granted for
fiscal year
1942-43.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole sixty million, three hundred and nine thousand, six hundred and thirty-six dollars and sixty-nine cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1942, to the 31st day of March, 1943, as set forth in schedule "A" to this Act.

Accounts
to be laid
before
Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1942-43 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appro-
priations for
1942-43
unexpended
to lapse.

3. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1943, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

sequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off. Rev. Stat., c. 24.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for Accounting for expenditure. to His Majesty.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-three, to defray expenses of:

Agriculture Department.....	\$2,345,050.25
Attorney-General's Department..	3,093,995.00
Education Department.....	12,809,252.74
Game and Fisheries Department..	637,600.00
Health Department.....	11,770,480.00
Highways Department.....	1,278,800.00
Insurance Department.....	65,575.00
Labour Department.....	760,850.00
Lands and Forests Department..	2,678,435.00
Legislation.....	275,496.00
Lieutenant-Governor's Office....	10,175.00
Mines Department.....	359,250.00
Municipal Affairs Department..	122,219.00
Prime Minister's Department...	342,770.00
Provincial Auditor's Office.....	120,000.00
Provincial Secretary's Department.....	2,055,932.40
Provincial Treasurer's Department.....	1,365,986.30
Public Welfare Department.....	19,031,870.00
Public Works Department.....	1,081,500.00
Miscellaneous.....	104,400.00

Total estimates for expenditure of 1942-1943.....\$60,309,636.69

BILL

An Act for granting to His Majesty certain
sums of money for the Public
Service of the financial year
ending the 31st day of
March, 1943.

1st Reading

April 15th, 1942

2nd Reading

April 15th, 1942

3rd Reading

April 15th, 1942

MR. HEPBURN (Elgin)

1942

1

